

Form No: HCJD/C-121
ORDER SHEET
ISLAMABAD HIGH COURT
ISLAMABAD

W.P No. 4151 of 2019

Dr Nazar Ullah Raja
Versus
Federation of Pakistan, etc

S.No. of order/ Proceeding	Date of hearing	Order with signature of Judge, and that of parties or counsel, where necessary.
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04-10-2022 Dr. G.M Chaudhry and Ch. Muhammad Nisar Ali,
Advocates for the petitioner.
Mr Nouman Munir Paracha, Advocate for the
respondents.
Ms. Samina M. Hussain, Dy Director (legal), PARC.

ATHAR MINALLAH, C.J.-. The petitioner has sought multiple prayers. The petitioner was working in Pakistan Agricultural Research Council (hereinafter referred to as the "***Council***"). Admittedly, the terms and conditions of service of the employees of the Council are not governed under statutory rules. The relationship of an employee and the employer is, therefore, in the nature of 'master' and 'servant'. However, the grievance of the petitioner pertains to refusal on part of the competent authority to place his appeal before a proper forum.

2. With the able assistance of the learned counsels the record has been perused.

3. Admittedly, appeal was preferred by the petitioner assailing notification, dated 05.10.2001 but it was addressed to the Chairman of the Council

instead of the President of the Board of Governance. The petitioner was informed vide letter, dated 28.11.2001 that the appeal was not addressed to the competent authority. Thereafter, vide letter, dated 15.09.2015, the petitioner was again informed that request to decide his appeal was rejected on the ground that it was not addressed to the competent forum. It is noted that appeal is a valuable right and, therefore, it cannot be denied merely on the ground that it was not addressed to the proper forum.

4. Without making any observation, lest it may prejudice the rights of the petitioner, the Council being creation of a statue could not have denied the right of appeal merely on the ground that it was not addressed to the competent forum. Admittedly, the appeal was filed and it was, therefore, an obligation of the Council to place it before the competent forum. The letters, dated 15.09.2015 and 28.11.2001 were issued in violation of the constitutional right guaranteed under Article 10-A, and, therefore, they are hereby set aside. The appeal of the petitioner would be treated as pending and the Council is expected to place it before the competent forum.

5. The petition stands accordingly disposed of.

(CHIEF JUSTICE)