

**ORDER SHEET.**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT**

Writ Petition No.1842 of 2020  
Imdad Hussain  
Versus  
Federation of Pakistan, and 2 others.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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10.09.2020      Ch. Abdul Majeed, Advocate.

Through the instant writ petition, petitioner assails order dated 31.12.2019, whereby he was discharged from service w.e.f. 13.01.2020.

2.            The gist of petitioner's case is that he faced trial in murder case and ultimately acquitted vide judgment dated 14.02.2019. After the acquittal, he joined the duty but on 03.10.2019 was served with show cause notice on account of involvement in a heinous crime and detention in Civil Jail for long period. Subsequently, he was discharged from service vide impugned order dated 31.12.2019, being assailed through the instant writ petition.

3.            On the question of maintainability, learned counsel referred case of **"Federal Government M/o Defence, Rawalpindi V. Lt. Col. Muir Ahmed Gill"** (2014 SCMR 1530) to contend that the bar of jurisdiction under Article 199(3) of the Constitution would have no applicability where the impugned action appears to be result of *mala fide*, *quoram non-judice* or without jurisdiction.

4.            The petitioner seeks setting aside of the order dated 31.12.2019 which was issued under the signature of Assistant Director (Discipline) Air

**Headquarters, Peshawar. The other documents including show cause notice and letter dated 09.12.2019 were also issued by the Air Headquarters, Peshawar, while the petitioner had been serving at P.A.F Base Rafique (Shorkot) falling outside the jurisdiction of this Court.**

**The petitioner has arrayed the Federation of Pakistan through the Secretary Ministry of Defence as respondent No.1 by mentioning its station as Rawalpindi, while the Chief of Air Staff, Pakistan Air Force through the Secretary Ministry of Defence as respondent No.2 but with different station i.e. Islamabad. Actually the said respondent is stationed at Rawalpindi as mentioned in the address of respondent No.1. The respondent No.3 is stationed at Islamabad. No relief has been sought against any of the three respondents while the impugned order, stated to be passed by respondent No.3 was actually issued by the Air Headquarters, Peshawar.**

**5. The question of jurisdiction of a forum is always considered to be very important and any order passed by a Court or a forum, having no jurisdiction, even if is found to be correct on merits, is not sustainable because the High Court has power to issue directions to a person performing functions in connection with the affairs of the Federation, a Province or a local authority, to refrain from doing anything or to do anything permitted by law within its territorial jurisdiction and not beyond that.**

**6. In the present case, the authority who passed the impugned order is stationed at Peshawar which does not fall within the jurisdiction**

of this Court, therefore, this Court cannot exercise jurisdiction while actually no relief is sought against respondent No. 3 stationed at Islamabad.

7. In view of above, the petition is **dismissed in limine** for want of jurisdiction.

**(FIAZ AHMAD ANJUM JANDRAN)**  
**JUDGE**

**A.R. Ansari.**