

**JUDGMENT SHEET.**  
**IN THE ISLAMABAD HIGH COURT,**  
**ISLAMABAD.**

**W.P. No. 2549 of 2016**

Muzaffar Ali Mahar

**Versus**

Board of Governors, Pakistan Institute of Parliamentary Services, Islamabad and  
others

Petitioner By : Mr. Zulifqar Khalid Maluka, Advocate

Respondents By : Hafiz S.A. Rehman, Sh. Rizwan Nawaz  
and Mr. M. Anwar Mughal, Advocates

Date of Hearing : 19.12.2018

**AAMER FAROOQ, J. -** The petitioner, in the instant petition, has challenged his removal from service by the respondents vide notification dated 18.02.2016 and dismissal of appeal there against on 19.05.2016.

2. The facts, in brief, are that the petitioner was an employee of Pakistan Institute of Parliamentary Services (PIPS). He was inducted in service as OG-II on 27.12.2013. He was charge sheeted in disciplinary proceedings on the basis that his academic qualifications are not as he represented and he attempted to maneuver his personal file for his benefit. After regular inquiry, the Inquiry Committee recommended his removal from service and on the basis thereof, the authority i.e. President, Pakistan Institute of Parliamentary Services/Speaker National Assembly passed order for removal from service on 18.02.2016. The referred order was assailed in appeal which was dismissed on 06.06.2016.

3. Learned counsel for the petitioner, *inter alia*, contended that impugned order has been passed without lawful authority; that no opportunity of

hearing has been granted to the petitioner; that order was passed by incompetent authority inasmuch as the authorized officer and the authority are the same i.e. Speaker National Assembly. It was submitted that procedure prescribed in the Rules have not been followed. It was further submitted that even the Rules might be non-statutory but still the instant petition is maintainable inasmuch as there is violation of law.

4. Learned counsel for the respondents, *inter alia*, contended that the instant petition is not maintainable inasmuch as the Rules governing terms and conditions of service of the petitioner namely Pakistan Institute for Parliamentary Services Employees (Recruitment and Conditions of Service) Rules, 2010 are non-statutory. In this behalf, it was contended that in light of the criteria laid down by the Hon'ble Supreme Court of Pakistan in case reported as Muhammad Zaman and others **versus** Government of Pakistan through Secretary, Finance Division (Regulation Wing), Islamabad and others (2017 SCMR 571), the Rules are for internal functioning, hence are non-statutory. It was also submitted that there is no violation of law or any illegality; that inquiry was held and in the same, the petitioner was given opportunity to cross-examine the witnesses and even to lead his evidence, personal hearing was granted to the petitioner and a show cause notice was issued after recommendation of the Inquiry Committee.

5. Learned counsels for the parties have been heard and documents placed on record examined with their able assistance.

6. The facts leading to filing of the instant petition have been mentioned hereinabove, therefore, need not be reproduced.

7. The charge against the petitioner was that he did not possess qualification which he mentioned in his application at the time of induction and that he maneuvered his personal file for the said purpose. In this behalf, it was alleged that the petitioner does not fulfill the requisite criteria. During disciplinary proceedings, a letter was obtained from COMSAT Institute of Information

Technology to the effect that the petitioner is not enrolled as their student and also from Higher Education Commission that qualification obtained from Modern Institute of Informatics and Management, Islamabad is not recognized/affiliated with any chartered university. The letter of HEC is dated 05.11.2015 and that of COMSAT Institute of Information Technology is dated 10.11.2015. Perusal of the record reveals that detailed inquiry was also conducted in which the petitioner was granted opportunity of cross-examining the witnesses on behalf of the department. Even memorandum dated 18.02.2016 also shows that personal hearing was granted to the petitioner and even in appeal, the petitioner was granted personal hearing and there is nothing on record to the contrary.

8. The Board of Governors of Pakistan Institute of Parliamentary Services, Islamabad framed Rules under section 24 of the Pakistan Institute for Parliamentary Services Act, 2008. The referred Rules prescribe procedure for recruitment and conditions of service. The Rules are primarily for the internal functioning of the department. On the touch stone of law laid down by the Hon'ble Supreme Court of Pakistan in case reported Muhammad Zaman and others **versus** Government of Pakistan through Secretary, Finance Division (Regulation Wing), Islamabad and others (2017 SCMR 571), the Rules are non-statutory. In this behalf, the relevant portion of the judgment is reproduced below:-

***"A perusal of the Regulations suggests that they relate to pension and gratuity matters of the employees of SBP and therefore it can be said that the ambit of such Regulations is not broader but narrower than the parent statute, i.e. the Act. Thus the conclusion of the above discussion is that the Regulations are basically instructions for the internal control or management of SBP and are therefore non-statutory. Hence the appellants could not invoke the constitutional jurisdiction of the learned High Court which was correct in dismissing their writ petition."***

Since the Rules of service are non-statutory, non-compliance thereof, if any, is inconsequential as the relationship between the parties is one of Master and

Servant. Where relationship is one of Master and Servant, a petition under Article 199 of the Constitution is only maintainable where there is violation of the principles of natural justice or any other law. Reliance is placed on Pakistan Atomic Officer's Housing Authority and others **versus** Lt. Col. Syed Jawaid Ahmed (2013 SCMR 1707).

9. Learned counsel for the petitioner was unable to point out any illegality which warrants interference in the impugned order.

10. In view of the foregoing reasons, the instant petition is without merit and is accordingly **dismissed**.

**(AAMER FAROOQ)**  
**JUDGE**

Announced in open Court this 15<sup>th</sup> day of March, 2019.

**JUDGE**

M.Shah/.