

JUDGMENT SHEET.
IN THE ISLAMABAD HIGH COURT,
ISLAMABAD.

Writ Petition No.218 of 2016

Peerzada Waqar Alam.

Versus

National Accountability Bureau (NAB) through its Chairman, Islamabad and another.

Petitioners By : Mr. G. M. Chaudhry, Advocate.

Respondents By : Mr. Nasir Mehmood Mughal, Special
Prosecutor, National Accountability
Bureau.

Date of Decision : 17.10.2019

AAMER FAROOQ, J. - Through the instant petition, the petitioner seeks direction to the respondents to appoint the petitioner on the post of Assistant Director for which he was interviewed and even was offered a position.

2. The facts, in brief, are that the petitioner pursuant to the advertisement by the respondent applied for the post of the Assistant Director while he was working in the Accounts Department in the Government of Punjab as Deputy District Accounts Officer (BPS-17), Bhakkar. The petitioner was successful in the examination and even in interview and was made an offer, which he duly accepted and even rendered joining but subsequently after allowing him to work for a few days his appointment was revoked/ cancelled, hence the instant petition.

3. Learned counsel for the petitioner, *inter-alia*, contended that the petitioner suffers the disability inasmuch as he cannot walk and he can only

move around on the wheelchair; that at the time of making an offer for appointment, the disability was obvious to the respondents and despite the same the letter was issued and even the joining was allowed and subsequently the same has been recalled without any justification or basis. It was further contended that even under the law every organization has to have a disability quota. The petitioner is entitled to appoint on the said quota.

4. Learned counsel appearing on behalf of the respondents submitted that at the time when the petitioner appeared for interview, he informed the Interviewing Officer that his disability is temporary and he shall be fine and as a result whereof he was recommended for appointment. It was contended that the offer for appointment clearly stipulates that the petitioner has to undergo a medical fitness then which he did and the Medical Certificate categorically states that the petitioner suffers from disability. It was further submitted that the nature of job is of the Investigating Officer, which the petitioner cannot perform as he cannot move around independently.

5. Arguments advanced by learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

6. The petitioner is aggrieved of revocation of his appointment by National Accountability Bureau. In this behalf, he was issued an offer for appointment on 16.07.2015, under Clause (vii), the appointment was subject to being declared medically fit by the Civil Surgeon of Federal Government and he has to undergo basic investigation course including physical training. The Medical Fitness Certificate issued by the Office of the Civil Surgeon, Federal Government Polyclinic Post Graduate Medical Institute, Islamabad dated 07.08.2015, provides that the petitioner is fit against disabled quota, if any, otherwise as department likes. It was also stated the petitioner is fit for office job. The petitioner applied for the post of Assistant Director (Investigation), which entails physical activity

including raiding the places and conducting investigation accordingly. Moreover, in the interview, the Interviewing Officer has categorically noted that he was informed by the petitioner that he shall be fine and his disability is not permanent. In light of the above facts, it is obvious that the petitioner is unfit to perform the duties of an Investigating Officer, as he suffers from disability, his appointment was specifically for the post of Assistant Director, which was advertised; in case he is interested in other office post advertised by the respondents, he may apply for it.

7. For the above reasons, the instant petition is without merit and is accordingly **dismissed**.

(AAMER FAROOQ)
JUDGE

M. Zaheer Janjua