

JUDGMENT SHEET.
ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT.

I.C.A No. 75-2019

Mansoor Ahmed Bajwa
Vs.
Federation of Pakistan and others.

Appellant by: Raja Khalid Ismail Abbasi, Advocate.

Respondents by: Barrister Muhammad Mumtaz Ali, AAG.

Date of Decision: 21.04.2022.

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MOHSIN AKHTAR KAYANI, J. By way of this common judgment, we intend to decide captioned appeal alongwith appeals listed in "Annexure-A attached herewith arising out of the same judgment impugned before this Court vide order dated 18.02.2019, passed by learned Single Judge in Chambers, whereby all the writ petitions were dismissed and the appellants, who were appointed on deputation basis for a period of three (03) years in different Departments have been repatriated to their parent Departments vide notification dated 17.10.2018.

2. Learned counsel for the appellants submits that the consolidated judgment is against the law and facts; that the impugned notification dated 17.10.2018 is based upon discrimination, pick and choose, which resulted into a colorful exercise of jurisdiction, whereas other similarly placed officers/employees have been retained, which itself is violation of Articles 4, 9 and 25 of the Constitution of Islamic Republic of Pakistan, 1973; that previously the most senior and eligible deputationist had been inducted as Section Officers in the Federal Government uptill the year 2010 and thereafter such induction against 10% quota of

deputationists was stopped; that by virtue of Rule 20(A) of the Civil Servants (appointment, promotion & transfer) Rules, 1973, a person in the service of a Provincial Government or an autonomous, semi-autonomous body or corporation or any other organization set-up established, owned, managed or controlled by the Federal Government, shall be eligible for appointment to the said post on deputation; that the learned Judge in Chambers has not considered the notification dated 17.10.2018, which was issued with reference to the order of Hon'ble Supreme Court and as such there is clear application of mind by the competent Authority before issuance of such notification, but all these questions have not been adhered to by learned Judge in Chambers.

3. Learned AAG submits that all the appeals have become infructuous as all the appellants have been repatriated to their parent Department and they have joined the same; that when the petitions were filed, no rules were in the field to regulate 10% quota reserved for O.M.G through FPSC, but all the rules have been notified and as such deputationist have no legal right to claim absorption in the borrowing Department.

4. Arguments heard and record perused.

5. Perusal of record reveals that the appellants are primarily aggrieved with the notification dated 17.10.2018, issued by the Establishment Division, whereby services of the appellants have been repatriated to their parent department.

6. There is no cavil to the proposition that appellants were deputationist, who have been appointed in different Departments of the Federal Government for a limited period and as such no vested right could be claimed by the appellants nor they are able to demonstrate that any of their statutory rights have been violated. As such learned Judge in Chambers has rightly decided the cases while considering the status of deputationist, who could only perform their duties for three

years without claiming any vested right as this aspect is related to terms and conditions of service, which could not be resolved in the present proceedings. Similarly the issuance of no objection by the appellants Department does not give any vested right for absorption in the borrowing Department or in the O.MG, hence when the order has been implemented in its true letter and spirit, then no claim survives to the extent of appellants, who have joined their respective departments.

7. For what has been discussed above, all the Intra Court Appeals have become infructuous, therefore, same are hereby **DISMISSED**.

(SAMAN RAFAT IMTIAZ)
JUDGE

(MOHSIN AKHTAR KAYANI)
JUDGE

RAMZAN