

Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P No. 255 of 2016

Lt. Col. (R) Javed Kamal Raja, etc

Vs

FOP, etc

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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17.

21-01-2019

Mr. Afzal Qadeer Satti, Advocate for the
petitioner.
Mr. Atif Ali Khan, Advocate for the respondents.
Syed Muhammad Tayyab, DAG.

Through this petition, the petitioners have assailed Notification, dated 23-12-2015, whereby their respective service contracts were terminated after giving them one month's notices under the relevant provisions of ESR, 2006.

2. The learned counsel for the petitioner was asked regarding the maintainability of the instant petition because a Division Bench of this Court in I.C.A No.78 of 2017 titled '*Chairperson NCHD, etc. v. Abdul Jabbar Memon and others*' has held that the terms and conditions of service of employees of National Commission for Human Development are not governed under statutory rules/regulations.

3. The learned Counsel, despite his able assistance, could not satisfy this Court that the instant petition is maintainable. Moreover, it is settled law that when relationship between employer and employee is in the

nature of 'master' and 'servant' then a writ in any case cannot be issued having the effect of reinstatement. Reliance is placed on 'Muhammad Aslam Khan vs. FOP and others', **2013 SCMR 747**, 'Muhammad Nawaz vs. Civil Aviation Authority', **2011 SCMR 523**, 'Khan vs. Pakistan Civil Aviation Authority and another', **2011 PLC (C.S) 889** and 'Zafar Iqbal vs. Pakistan Civil Aviation Authority through Director Administration and another', **2011 PLC (C.S) 348**. As already noted, a Division Bench of this Court has held that the terms and conditions of service of employees of National Commission for Human Development are not governed under statutory rules/regulations.

4. For the above reasons, this petition is not maintainable and is, therefore, accordingly dismissed.

(CHIEF JUSTICE)

*Asif Mughal/**