

Judgment Sheet
ISLAMABAD HIGH COURT
ISLAMABAD

W.P. No. 3662/2013

Irfan Ullah.

Vs.

Ministry of Petroleum and Natural Resources, etc.

Petitioner by: - **Mr. Sohail Chaudhry, Advocate and**
Ms. Fakhra Sultan, Advocate alongwith
petitioner in person
Respondent No.1 by:- **Mr. Nazar Hussain Shah, A.A.G.**
Respondents No.2-4 by: -**Mr. Abdul Wali Irfan, Advocate**
Date of hearing: - **14.01.2020**

Ghulam Azam Qambrani. J: - Through the instant constitutional petition, the petitioner seeks a direction to the respondents to act in accordance with law and further to fulfill their part of obligation and the petitioner be considered for the post of Senior Administrative Officer in the respondents' company.

2. Brief facts of the case are that the Mari Gas Company started survey for exploration of Oil and Gas in the area belonging to the petitioner and major portion of petitioner's land has been used during this survey; that the petitioner fully supported the company with the hope that petitioner's area will be developed through this exploration; that the petitioner and his

family is well known in the area and they also advised other land owners of the area not to create any hurdle in the survey process; that while acquiring the land of the petitioner and other land owners of the area, the respondents promised that the petitioner and other youth of the area will be given employment in the respondents' company on preferential basis being affectees of the area; that the petitioner and others applied for different posts in the respondents' company (respondents No.2 to 4), as a result of which the petitioner and others were called for interview on 11.04.2012, whereupon the petitioner was directed to wait while the other six candidates were selected by the respondents; that the petitioner had applied for the post of Senior Administration Officer but he has not been appointed till date whereas the said post is still lying vacant.

3. Petitioner submitted that the petitioner is MBA and is qualified for the post of Senior Administration Officer; that during the survey the respondents' company not only destroyed the land, crops, which were cultivated and were ready to pick; that the respondents have also cut down countless trees over the land of the petitioner and also took away same trees without permission of the petitioner for which no damages have been paid; that the petitioner time and again approached the respondents but they did not pay any heed to the request of the

petitioner and did not appoint him on the post of Senior Administration Officer, which is still lying vacant.

4. On the other hand, learned counsel for the respondents assisted by the learned Assistant Advocate General submitted that the petition in hand is not maintainable because the grievance of the petitioner is not against a person but the same is against respondent No.3 which is a listed public limited company incorporated under the laws of Pakistan and is admittedly not controlled by the Federal or any Provincial Government; that the petitioner was admittedly interviewed and his credentials were duly considered but the petitioner was not found fit for the said post of Senior Administration Officer; that it is the prerogative of the employer to adjudge as to whether a candidate is fit for a particular post or not, as such the petitioner has no right to insist for his appointment against the post of Senior Administration Officer. Further submitted that the fact that the petitioner was called for interview by the management of respondent No.3 does not give rise to any right, contractual or otherwise, enforceable under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 and that in absence of violation of any right, petitioner cannot be termed as an aggrieved person. Lastly argued that the instant petition is liable to be dismissed on account that it

does not fulfill any conditions provided for invoking the extraordinary jurisdiction under Article 199 of the Constitution.

5. I have heard learned counsel for the parties and have also perused the record.

6. Admitted facts of the case can well be ascertained from the written comments tendered by respondent No.3. In reply to para (d) of preliminary objections/ submissions, respondent No.3 averred that *“admittedly the candidates whose names have been cited by the petitioner in Para 6 of the petition were selected for different positions/jobs after due evaluation and not for the post for which the petitioner was interviewed and considered, therefore, no case of discrimination is even made out”*.

7. Likewise under para 6 of reply to merits, it was asserted that *“the petitioner was invited for interview and his credentials were thoroughly evaluated by the Management of respondent No.3 and petitioner was found not fit/suitable for the position of Senior Administration Officer and he was not selected.”*

8. Not only this but in reply to para No.9 to 13, respondent No.3 asserted that the Company had been involved in exploration operation from the area of the petitioner. The claim of petitioner respecting exploration operation from their land; selection of various persons of the same vicinity for the job and their interview, is admitted fact as highlighted above, therefore, it

cannot be said that the petitioner retains no right even to be considered for a suitable post.

9. Keeping in view the facts and circumstances of the case, instant petition stands disposed of with direction to respondent No.3 to consider the petitioner as per his qualification against a suitable post at par with other inmates of the locality. Needful shall be done within a period of two months from receipt of this order.

~~(GHULAM AZAM QAMBRANI)~~
JUDGE

ANNOUNCED IN OPEN COURT ON 17-1 /2020.

"Imtiaz"

— J