

JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
(JUDICIAL DEPARTMENT)

“Writ Petition No. 4459/ 2019”

Muhammad Saad Siddiq & another
Versus
Federation of Pakistan, etc.

Petitioners By:	M/s Umair Baloch, and Abdul Hameed Khan Kundi, Advocate.
Respondents By:	Ch. Abdul Jabbar, Assistant Attorney General, along with Sabir Ahmed, Project Director, NFSA.
Date of Hearing:	17.07.2020

Ghulam Azam Qambrani, J: This writ petition has been filed with the following prayer:-

“In view of the foregoing facts and circumstances, it is respectfully prayed that the instant writ petition may graciously be accepted and the impugned acts of the respondents being illegal, unlawful and arbitrary may kindly be set aside and the respondents may kindly be directed to reinstate and regularize the services of the petitioners with effect from the date of their initial appointment in the same manner as the services of other similarly placed employees have been regularized, with all consequential benefits, in the interest of justice.

Any other relief, which this Hon’ble Court deems fit and appropriate, may also be awarded.”

2. Brief facts of the case are that the petitioners were appointed as Scientific Officer (Biology/ DNA Deptt.) in the National Forensic Science Agency (hereinafter be called as “**NFSA**”) in November, 2010 and January, 2011, respectively and their contract was extended from time to time and they have 08 years and 10 months services at their credit; that the petitioners have passed their in-house training from their seniors and also had an opportunity to attend foreign training from Australia, United Kingdom, Singapore, Germany and United Arab Emirates; that they have also attended trainings organized by various

international organization and they have served as representative/ training from NFSA to various organizations. In January, 2019 the petitioners were directed to report at Punjab Forensic Science Agency (PFSA) training program, during the said training the petitioners were treated unethically and in a discriminatory way. That on 30.07.2019, they were informed from PFSCA to report back to NFSA, without any intimation about outcome of training. On 21.08.2019, the Project Director NFSA informed them about their non-extension of contracts with effect from 30.06.2019 hence, the instant petition.

3. Learned counsel for the petitioners has contended that acts of the respondents are illegal and unlawful and against the rights of the petitioners; that the petitioners have rendered services in the respondent department for a considerable time and now they are unable to join any other Government department and the only source of their income is employment with the respondents, which needs to be regularized; that a number of project employees who were appointed on contract in various projects under the Ministry of Interior have been regularized by the Departmental Authority and the Government of Punjab while adopting the said policy, extended benefit of the same on the direction of the Hon'ble Lahore High Court in W.P No.27251/2011 whereas the cases of the petitioners remained unconsidered for a protracted length of time; that respondents have treated the petitioners with discrimination as services of a number of employees have been regularized, as such, they have violated the articles 4, 25 and 27 of the Constitution of Islamic republic of Pakistan, 1973; that the impugned act of the respondents are based on exploitation which is highly unjustified, and against the provisions of the Article 37 and 38 of the Constitution. Further submitted that the petitioners have filed representation before the respondents, which are still pending unattended. Lastly, prayed for acceptance of the instant petition.

4. On the other hand, learned Assistant Attorney General opposed the contentions of learned counsel for the petitioners contending that they are not permanent employees and reasons for their termination is given in the notification dated 30.07.2019.

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

6. Perusal of the record depicts that after due process of selection, advertisement, test and interview, the petitioners were appointed as Scientific officer in the National Forensic Science Agency in the year 2010 and 2011 respectively and the petitioners have rendered the best services with the respondents and their contracts was extended from time to time without any gap in their service uptill 30.07.2019 and in this way, they have more than eight year services in their credits with the respondents. The petitioners have now become overage and cannot apply in any Government Organization.

7. Record also reveals that representations of the petitioners are still pending with the respondents, in view of the same, as the petitioners have served the respondents' department for almost eight years and that they have now become overage, the respondents are directed to consider the cases of the petitioners sympathetically keeping in view the overage of the petitioners and their services in the department and decide their representations on humanitarian grounds. Petitioners are directed to appear before the respondent i.e. Secretary Ministry of Interior, Islamabad on **10.08.2020**, alongwith a certified copy of this judgment, who is directed to decide the representations of the petitioners, Keeping in view the age and service of the petitioners in this department, preferably within the period of two months after receipt of the copy of this judgment, under intimation to this office.

8. In view of the above direction, this petition stands **disposed of**.

~~(Ghulam Azam Qambrani)~~
Judge

Announced in Open Court, on this 20th day of July, 2020.

~~Judge~~

Rana M. Ufi