

**JUDGMENT-SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

**ICA No.83 of 2015**

**Shabbir Ahmad Lali**

Versus

**M/o Law, Justice & Human Rights etc.**

|                 |   |                                   |
|-----------------|---|-----------------------------------|
| Appellant By    | : | Ms Saira Khalid Rajput, Advocate. |
| Respondents By  | : | Mr. Saqlain Haider Awan, AA-G.    |
| Date of Hearing | : | 27.06.2022                        |

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**ARBAB MUHAMMAD TAHIR, J.** The instant Intra Court Appeal is arising out of judgment dated 29.01.2015, passed by learned Judge-in-Chambers, whereby Writ Petition No.2353 of 2009 filed by the appellant was dismissed by observing as under:-

“8. Admittedly, the suit for recovery of an amount of Rs. 500,000/- already paid to the petitioner has also been instituted in view of audit team’s recommendation The Civil servant Conduct Rule, 1964 applicable to the officials of Provincial Government also disallow engagement of the Government servant to any employment or other than official duty as defined under Rule 16 of the said Rules. The petitioner therefore, was hardly entitled to the TA/DA during his stay which could be paid to him if prior approval of the Government was obtained. In the absence of prior approval of the Government, the petitioner should not accept such offer or monetary benefits. Hence, I am of the view that the petitioner is not entitled for the relief claimed in the instant writ petition as his claim is not supported by any legal provision. Therefore, the same is hereby dismissed.”

2. Facts arising out of the instant appeal are that the appellant remained associated with lead counsel Malik Muhammad Qayyum, ASC to represent the Government of the Punjab in Civil Petition No. 23/2007 titled as Pakistan Bar Council v. President of Pakistan. The professional fee was fixed as Rs. 1,000,000/- but he was paid only Rs. 500,000/- which constrained him to file the writ petition which was dismissed vide impugned judgment.

3. Learned counsel for the appellant submits that the appellant was treated indifferently and with discrimination, as the Deputy Prosecutor General who conducted the case alongwith the appellant had been paid full remuneration, but the appellant had been deprived of his due claim and that the appellant had nothing to do with the audit objection, therefore, impugned judgment is liable to be set aside.

4. On the contrary, the learned AAG submits that the appellant while being an employee of the Provincial Government cannot ask for any professional fee and likewise cannot be appointed either by the Federal Government or any Provincial Government as a private lawyer and that the claim of the appellant was unjustified which has rightly been turned down in view of the audit objection.

5. Heard, record perused.

6. There is no denial of the fact that at the relevant time the appellant had been holding the portfolio of Deputy Prosecutor General as reveals through Office Order dated 10.05.2007, available on file as Annexure-H. The appellant was serving in a civil capacity in connection with the affairs of the Provincial Government therefore, the Government Servants (Conduct) Rules, 1964, were applicable. Rule 16 of the rules *ibid* specifically prohibits engagement of any government servant, except with the previous sanction of the government, in any trade or undertake any employment of work, other than his official duties. The appellant has not been able to establish any previous special sanction of the provincial government in this regard.

7. From the perusal of record, it is also noticed that vide Office Order dated 10.05.2007, the appellant was directed to work in the Supreme Court of Pakistan with effect from 14.05.2007 to 18.05.2007 by the orders of the then Prosecutor General Punjab. So it is obvious that at the relevant time, he was deputed officially to work in the Supreme Court of Pakistan besides other functions

as Counsel for the Hon'ble President of Pakistan, therefore, any claim against the official work done pursuant to direction of the competent authority, cannot be made basis to claim any extra remuneration and that too in breach of Rule 16 of the Rules *ibid*, reproduced herein below:-

**“16. Private trade, employment or work.- (1) No Government servant shall, except with the previous sanction of the Government, engage in any trade or undertake any employment or work, other than his official duties.”**

8. Record further indicates that the status of the appellant as of a Government Counsel was also observed by the audit team, in addition that payment of professional fee to a government counsel BS-18 who is drawing pay and allowances and a special allowance of Rs. 50,000/- per month from the public exchequer is not admissible. Furthermore, the audit recommended recovery of the amount paid to the appellant and there is no denial of the fact that the suit for recovery of the same had been filed against the appellant.

9. For what has been discussed above, impugned judgment appears to be well reasoned and does not call for any interference. Consequently, instant appeal fails and is accordingly **dismissed**.

**(AAMER FAROOQ)**  
**JUDGE**

**(ARBAB MUHAMMAD TAHIR)**  
**JUDGE**

“//Kamran/P”