

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.3457-2014

Ghulam Hyder Khaskheli

Vs.

Federation of Pakistan etc.

W.P. No.352-2018

Ghulam Hyder Khaskheli

Vs.

Federation of Pakistan 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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27.02.2020	Mr. Abdul Rahim Bhatti, Advocate and Mr. Tariq Mahmood, Advocate for petitioner. Raja Khalid Mahmood Khan, Deputy Attorney General.
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This order shall decide instant petition as well as W.P. No.352-2018, as common questions of law and facts are involved.

2. The petitioner was an employee of Bureau of Immigration and Overseas Employment, which is an attached Department of Ministry of Overseas and Human Resource. While serving in BS-19, the petitioner became eligible for promotion in BS-20 as Additional Director General; he was granted promotion to BS-20 w.e.f. 11.05.2015; he made various representations for promotion to BS-21 and also sought promotion in BS-20 from 19.04.2012 when the vacancy occurred; the latter relief being the part of W.P. No.352-2018. The petitioner has since retired therefore question of his promotion and even ante-dated promotion remained unresolved.

3. Learned counsel for the petitioner admitted that petitioner has retired but submitted that he can still be granted monetary benefits by way of proforma promotion from the date, when he became eligible to the post of BS-20 since 2012 and also subsequently to BS-21. Learned counsel requested that copy of petitions be remitted to Establishment Division/F.R.17 Committee.

4. Learned Deputy Attorney General contended that since the petitioner has retired, the matter can be referred to F.R.17 Committee for consideration of proforma promotion.

5. Arguments advanced by learned counsels for the parties have been heard and the documents, placed on record, examined with their able assistance.

6. It is an admitted position that petitioner has retired from service; in such view of the matter, under F.R.17 rule, a civil servant who has retired from service but feels that he was deprived of his promotion without any fault on his part, can always approach the relevant authority for grant of monetary benefits qua proforma promotion. Likewise, if the petitioner feels that he was deprived from promotion in BS-21 and also was not granted promotion in BS-20 w.e.f. 19.04.2012 for which he was entitled, may approach F.R.17 Committee by way of appropriate application claiming relief, which he is entitled to. In such a case, when application is made, F.R.17 Committee/Establishment Division shall decide the same in accordance with law. Needless to observe that the petitioner may approach the

court of competent jurisdiction, if his grievance persists.

7. Disposed of in above terms.

(AAMER FAROOQ)
JUDGE

Zawar