

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.203/2020.

Shaukat Mehmood, Sub Inspector

Versus

Sessions Judge (West), Islamabad, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(01)	27.01.2020.	Mr. Haroon-ur-Rashid, Advocate for petitioner.

Through this writ petition the petitioner has assailed the order dated 24.09.2019, passed by learned Additional Sessions Judge (West), Islamabad. The petitioner has also assailed the order dated 16.11.2019, passed by learned Sessions Judge (West), Islamabad, whereby an administrative action was recommended through departmental proceedings against the petitioner.

2. Learned counsel for the petitioner *inter-alia* contends that complaint was filed by one Zahida Parveen against the Bailiff and police officials of CIA including the petitioner for unlawful detention of detainee Muhammad Kamran, who was stated to be in illegal confinement of CIA Centre Islamabad; that Bailiff initiated the search in the CIA Police Station but could not find the concerned detainee and submitted his report which was also subject matter of Writ Petition No.2931/2019 titled Zahid Parveen Vs. Inspector General Police, Islamabad and others and this Court has not passed any direction against the officials; that learned

Additional Sessions Judge, Islamabad has not given due opportunity of hearing to the petitioner and passed the direction, which was placed before learned Sessions Judge, Islamabad, who referred the matter to DIG (Operations), Islamabad for departmental proceedings.

3. Arguments heard, record perused.

4. Perusal of record reveals that petition U/S 491 Cr.P.C. filed by one Zahida Parveen against CIA officials for recovery of detainee Muhammad Kamran, who was allegedly detained in CIA Centre, Islamabad, however, during the search conducted by Bailiff the detainee was not recovered and as such learned Additional Sessions Judge (West), Islamabad recommended the action against Bailiff who has not performed his lawful duty as required in such type of cases and action was also recommended against the police officials through impugned order.

5. The matter was again placed before the learned Sessions Judge (West), Islamabad, who while considering the inquiry report of learned Additional Sessions Judge, Islamabad, transmitted the same to DIG (Operations), Islamabad for departmental proceedings against the officials concerned. The petitioner being aggrieved with the said order has filed the instant writ petition, as such result of departmental proceedings has not been appended with this writ petition, nor any final order has been passed by DIG (Operations), Islamabad in compliance of order passed by learned Sessions Judge

(West), Islamabad, therefore, instant writ petition is premature and is considered to be a pre-emptive measure adopted by the petitioner. Even otherwise, if any adverse findings come against the petitioner in upcoming inquiry by DIG (Operations), the same would be processed under E&D Rules, wherein proper opportunity will be provided to petitioner for submission of his point of view, as such instant petition is not maintainable and the same is hereby *dismissed in limine.*

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid