

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

W.P. No.3904/2019
Muhammad Rizwan & 4 others
versus
Election Commission of Pakistan through its Secretary, Islamabad.

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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11.11.2019	Mr. Muhammad Ramzan Khan, Advocate for petitioners.
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Through this writ petition, the petitioners have called in question notice of the Election Commission of Pakistan dated 31.07.2019 informing therein that services of the petitioner are no more required after the expiry of contract i.e. 31.08.2019.

2. Brief facts referred in the instant writ petition are that petitioners were appointed in different cadres i.e. Reader/Senior Clerk, Moharrir, Naib Qasid, Assistant Private Secretary and Process Service in the year 2013 on contract basis by the Election Commission of Pakistan/respondent No.1 in the Election Tribunal, Lahore/Gujranwala, period of contract was extended from time to time until petitioners received a notice dated 31.07.2019 from Respondent No.1 to the effect that contractual appointment of petitioners shall not be extended after 31.08.2019 as their services are no more required. Hence, the instant writ petition.

3. Learned counsel for petitioners contended that petitioners have been performing their duties since 2013 with due diligence and direct termination of the petitioners from service would not merely deprive them of being the bread winner but also constrain them for appointment in any Government departments being over aged; that the petitioners' service record is quite satisfactory, unblemished and without any adverse entry; that presently the

vacancies are available and have been advertised by the respondent, over which the petitioners could have been adjusted.

4. Arguments heard, record perused.

5. Perusal of record reveals that petitioners have assailed the termination notice dated 31.07.2019, issued by the Office of the Provincial Election Commissioner, Punjab regarding termination of services of the petitioners.

6. The record apparently establishes that petitioners were appointed by the Office of the Provincial Election Commissioner, Punjab vide different memorandums against the posts of Reader/Senior Clerk, Moharrir, Naib Qasid, Assistant Private Secretary and Process Service on contract basis, whereas the said contract was extended from time to time and finally the same was not extended on its expiry on 31.08.2019 and as such, the services of petitioners were not required by the Office of the Provincial Election Commissioner, Punjab.

7. Besides the above referred position, the petitioners have been confronted regarding maintainability of the instant writ petition as the Office of the Provincial Election Commissioner, Punjab has not been arrayed as respondent in the instant case, even the same falls outside the territorial jurisdiction of this Court, whereby the learned counsel for petitioners contended that since the principal body i.e. Election Commission of Pakistan is situated in Islamabad, therefore, this Court has jurisdiction to entertain the instant petition.

8. The above referred plea on the part of petitioner is not justifiable as the employer/appointing authority of petitioners is based at Lahore, where the petitioners have performed their duties, even otherwise, the cause of action to the petitioners on

the basis of notice dated 31.07.2019 also accrued at Lahore, therefore, this Court has no jurisdiction in this regard.

9. Similarly, it is trite law that contract employees cannot invoke constitutional jurisdiction, even otherwise, in this matter the contract reflects that relationship of the Office of the Provincial Election Commissioner, Punjab and the petitioners is of master and servant, which does not create any right and on this score too the writ petition is not maintainable. Reliance is placed upon 2019 SCMR 648 (Qazi Munir Ahmad vs. Rawalpindi Medical College and Allied Hospital).

10. Keeping in view the above position, the instant writ petition is misconceived and the same is hereby DISMISSED in limine.

(MOHSIN AKHTAR KAYANI)
JUDGE

Khalid Z.