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ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No.60/2019.

Shabbir Ahmad

Versus

The 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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01. **09.01.2019** Mr. Imran Fazal, Advocate for the petitioner.

Through the instant writ petition, the petitioner has prayed
for following relief:-

“It is humbly prayed that the writ petition may kindly be accepted and a clear direction be given in exercise of the remedial and curative jurisdiction of stem, curb and eradicate the supersession of merit in promotions to the highest tier in the civil service of Pakistan.

It is further prayed that exclusion of the petitioner from the list of promotes to BS-22 by the illegal constituted High Powered Selection Board (HPSB) in its meetings held in Oct 2017, Dec, 2017, May 2018 and Oct/Nov 2018 may be declared as void ab-initio, without lawful authority, and in consequence, inclusion of the petitioner amongst the promotes to BS-22 on the basis of well deserved merit and placing him senior to his immediate junior promoted to BS-22 with all consequential service, financial and all other allied benefits may be directed to meet the ends of justice.

Any other relief and directions as may be deemed just and proper may also be granted/issued in vindication of the grievances afore referred.”

2. Learned counsel for the petitioner has contended that the petitioner is a Pakistan Administrative Service Office in BS-21, who joined the civil service on 1.11.1986 and his promotion was not settled by High Powered Selection Board/respondent No.3 on four different occasions and even no valid reason was referred to him; that junior officers were promoted and seniority of the petitioner has been effected despite the fact that the petitioner is

most suitable person eligible for promotion in the cadre; that respondent No.3 has ignored the merit due to political victimization of Secretary to Prime Minister, who himself was in BS-21 and was holding position of BS-22; that promotion rules 2010 have been violated by respondent No.3 and all the recommendations of High Powered Selection Board in their meetings held in October 2017, December 2017, May 2018, October/November 2018 are unfair, arbitrary and whimsical and are liable to be struck down and the petitioner may be promoted to BS-22.

3. Learned counsel for the petitioner has been confronted regarding maintainability of instant writ petition as questions relating to seniority and promotion fall within jurisdiction of Federal Service Tribunal and constitutional jurisdiction cannot be invoked in the light of bar contained in Article 212 of the Constitution of Islamic Republic of 1973, whereupon learned counsel for the petitioner has contended that the petitioner has challenged the orders of High Powered Selection Board of last four promotion board meetings, in which the petitioner was deprived of his right of promotion and seniority and the petitioner is going to retire today i.e. 09.01.2019, however, learned counsel for the petitioner has candidly conceded that the issues raised in the instant writ petition relate to terms and conditions of service of the petitioner.

4. In view of the above reasons, instant writ petition is not maintainable, therefore, the same is hereby dismissed in limine.

(MOHSIN AKHTAR KAYANI)
JUDGE