

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

W.P No. 2720 of 2020

MUHAMMAD RAZA KHAN SAWATI.

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.
	29.03.2022.	Mirza Waqas Qayyum, Advocate for Petitioner. Mr. Umer Ali Khan, Law Officer, NADRA. Rana Imran, A.A.G.

Through the instant petition, the Petitioner seeks setting aside of office order dated 16.07.2020 (Impugned Order), whereby major penalty of dismissal from service has been imposed on the Petitioner w.e.f. 15.06.2020 as well as his reinstatement in service with all consequential benefits.

2. At the very outset, learned counsel for the Petitioner was asked to satisfy this Court as to how the instant petition is maintainable in view of the fact that Respondent / National Database and Registration Authority (NADRA) does not have statutory rules. Learned Counsel for the Petitioner did not dispute that NADRA does not have statutory rules, however, he relied upon *Muhammad Rafi versus Federation of Pakistan*, 2016 SCMR 2146, wherein the Hon'ble Supreme Court held that an aggrieved person can invoke the constitutional jurisdiction of the High Court against a public authority if he satisfies that the act of the authority is in violation of the service regulations even if such regulations are non-statutory.

3. Be that as it may, I do not consider it necessary to evaluate the facts and circumstances in the present petition in light of *M. Rafi (Supra)* as it is an admitted

position that the Petitioner had already agitated the same grievance in a Departmental Appeal for reinstatement in service filed on 13.08.2020. However, before any decision was passed in such appeal, the Petitioner filed the instant petition on 25.09.2020. Since the alternate remedy is available but not yet exhausted, I do not find this appeal maintainable.

4. Having said that Respondents are directed to hear and decide the pending departmental appeal of the Petitioner within two months' time from the date of this order.

5. Instant petition stands disposed of in the above terms.

(SAMAN RAFAT IMTIAZ)
JUDGE

ADNAN