

Form No: HCJD/C-121.

**ORDER SHEET.**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**

**JUDICIAL DEPARTMENT.**

**I.C.A. No.275 of 2021**

**Mohammad Moawiz Farooq**

Versus

**Chief of Air Staff, Air Headquarter, Sector E-9, Islamabad, 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.            05.01.2022    M/s Mohammad Junaid Akhtar and Ch.  
Mohammad Aamir Naeem, Advocates.**

The appellant has impugned judgment dated 09.03.2021 pursuant to which the petition of the appellant was dismissed by the learned Judge-in-Chambers on the basis that the petitioner was not a permanent employee of Pakistan Air Force ("PAF") and that the appellant had failed to make out a case that the discretion exercised by the competent authority in discharging the petitioner from service was arbitrary and fanciful.

2. Learned counsel for the appellant has been unable to establish before us that the appellant is a permanent employee of PAF and that the impugned judgment suffers from an infirmity in this regard. However notwithstanding whether or not the appellant was a permanent employee, when asked by this Court how the writ was maintainable in view of Article 199(3) of the Constitution which excludes the jurisdiction of this Court under Article 199(1) in relation to employees of Armed forces, and the appellant claims to

be an employee of PAF, the learned counsel for the petitioner has been unable to fathom a response. He has also not made out a case that the discharge order suffers from jurisdictional defect or is otherwise coram non-judice which would bring the grievance of the appellant within the judicial review jurisdiction of this Court.

3. In view of the above, the instant appeal is without merit and is ***dismissed in limine.***

**(SAMAN RAFAT IMTIAZ)**  
**JUDGE**

**(BABAR SATTAR)**  
**JUDGE**

**\*M.A. Raza\***