

Form No: HCJD/C-121  
**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

Writ Petition No. 3251 of 2015

Haseen Ullah Khan  
Vs  
Ministry of Railways through Secretary, 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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<u>27-02-2020.</u>	Adnan Haider Randhawa, Advocate for the petitioner. Syed Muhammad Tayyab, DAG. Rai Azhar Iqbal Kharal, Advocate for the respondent.
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The petitioner through this petition has assailed his deferment vide notification, dated 05.10.2015. The respondents have filed written comments wherein it is asserted that the petitioner's case was deferred because there was a pending inquiry against him. The learned counsel for the petitioner has stated that no inquiry was pending at the time when the Departmental Promotion Committee had considered the case of the petitioner. By now it is settled law that a pending inquiry cannot be made a ground for deferment. A pending inquiry cannot influence the Departmental Promotion Committee and that without prejudice to the pending inquiry the case of a civil servant is required to be considered. Reliance is placed on the case titled "*Maj. Ziaul*

*Hassan, Home Secretary and others v. Mrs. Naseem Chaudhry*" [2000 SCMR 645].

2. In view of the above, the petition is disposed of with the above observation and the respondents are directed to place the petitioner's case before the Departmental Promotion Committee in its next meeting provided he is otherwise eligible and meets the criteria.

***CHIEF JUSTICE***

*Saeed*