

**JUDGMENT SHEET**  
**ISLAMABAD HIGH COURT, ISLAMABAD,**  
**JUDICIAL DEPARTMENT**

**Writ Petition No.1206/2019**

Amina Zubair

*versus*

Federation of Pakistan & 3 others

Petitioner by:	Rana Umar Iqbal, Advocate.
Respondents by:	Ms. Ruqia Samee, AAG. Masood-ul-Hameed Malik, Deputy Director (Legal), Ministry of Federal Education and Professional Training. S. M. Rehan Naqvi, Assistant Director (Legal), FDE. Irfan Mehmood, Lecturer, IMCB, G-10/4, Islamabad.
Date of Decision:	30.01.2020.

**MOHSIN AKHTAR KAYANI, J:** Through the instant writ petition, the petitioner has called in question letter of termination dated 13.03.2019, issued by the Principal, Islamabad Model College for Boys, Sector G-10/4, Islamabad, whereby the petitioner has been terminated from service.

2. Brief facts referred in the instant writ petition are that the petitioner joined the Islamabad Model College for Boys, Sector G-10/4, Islamabad (*hereinafter referred to as "Institute"*) initially on daily wages basis in the year 2008 and then rejoined the said Institute in the year 2011 and kept on rendering services to the Institute until her services were terminated vide letter dated 13.03.2019 in the wake of explanation letters and other written/verbal warnings to the petitioner. Hence, the instant writ petition.

3. Learned counsel for petitioner contends that impugned letter is illegal, unlawful and based on malafide; that as per principles settled by this Hon'ble Court in ICA No.340/2017, the services of the petitioner should have been

regularized, rather the respondent Institute terminated the services of the petitioner ignoring the health issues faced by the petitioner; that issuing of the impugned letter by the Institute is worst example of the colorable exercise of powers by the Authority and is against the principle of natural justice, fair play and equity; that the impugned letter is against the principle of *audi alteram partem* and against the natural justice, therefore, the impugned letter may be set-aside and respondent Institute may be directed to reinstate and regularize the services of the petitioner.

4. Conversely, learned AAG as well as Deputy Director (Legal), Ministry of Federal Education and Professional Training together with Assistant Director (Legal), FDE and Lecturer of IMCB present before the Court opposed the instant writ petition and contended that the case in hand is untenable, misleading and runs counter to the terms and conditions of petitioner's appointment letter under which petitioner's services could be terminated at any time without any notice; that the issuance of impugned letter regarding termination of the petitioner's services is the result of irresponsible attitude and professional blunders of the petitioner as she remained absent from the Institute from 16.11.2018 to 21.12.2018 and from 08.01.2019 to 13.03.2019 without permission; that the petitioner in violation of official rules engaged herself with a job in IMSG, Tarnol, Islamabad despite being already appointed in IMCB, G-10/4, Islamabad i.e. the Institute; that the petitioner has not come to this Hon'ble Court with clean hands and filed the instant writ petition on false grounds having no relevance to concrete realities, therefore, the same may be dismissed.

5. Arguments heard, record perused.

6. Perusal of record reveals that petitioner has assailed the letter of termination dated 13.03.2019, issued by Principal IMC for Boys, Sector G-10/4,

Islamabad, whereby service of the petitioner was terminated on the ground of absence from official duty.

7. As per record petitioner was appointed as Jr. Lady Teacher on daily basis in the year 2008, however, her services were terminated in the year 2011 but again she was appointed on daily wages and as per her own stance she has performed her duties till 2019. The comments filed by respondent No.4 reflects that petitioner was appointed on daily wages and she remained absent without any permission w.e.f. 16.11.2018 to 21.12.2018 and from 08.01.2019 to 13.03.2019 and this aspect has been verified from manual as well as from biometric attendance record. The petitioner was given ample opportunity and warning to join her duty but she remained absent.

8. Besides the above referred position the petitioner herself appended the notice issued by Principal/respondent No.4 dated 20.02.2019 in which petitioner has been given warning to join the duty within period of 03 days failing which disciplinary action will be recommended. However, she has not joined the duty and finally on 13.03.2019 her services were terminated.

9. Besides the above referred position the petitioner was a daily wages employee and not a civil servant and her terms of appointment did not allow her to claim any right to challenge the actions of respondent authority in any manner. It is otherwise settled by the Apex Court that daily wages or contract employee could not invoke the jurisdiction of constitutional court in terms of Article 199 of the Islamic Republic of Pakistan, 1973 and as such the writ petition is not competent. Reliance is placed upon 2019 SCMR 648 (Qazi Munir Ahmed Vs. Rawalpindi Medical College and Allied Hospital).

10. Keeping in view the above position, the petitioner herself failed to demonstrate any of her legal right and the termination order of the petitioner is supported with record which confirms that petitioner remained absent from duty without due permission of the respondent authority despite the fact that

her job was on daily wages, therefore, instant writ petition is misconceived and the same is hereby *dismissed*.

(MOHSIN AKHTAR KAYANI)  
JUDGE

Zahid.