

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

I.C.A. No.28/2020

Federation of Pakistan

Versus

Dr. Muhammad Azim Khan, etc

| S. No. of order/ proceedings | Date of order/ proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|------------------------------|----------------------------|--|
| 01. | 17-02-2020 | Ch. Tahir, Assistant Attorney General. Mr Piyar Ali Lakho, S.O/CP-I, Establishment Division. Mr Mahmood Khan Lakho, S.O (Lit), Establishment Division. |

This appeal is directed against order, dated 24.01.2020, passed in W.P.No.3510 of 2019 by the learned Single Judge.

2. The facts, in brief, are that Dr Muhammad Azim Khan (hereinafter referred to as the "**Respondent**") was considered by the Central Selection Board for promotion to (BS-21) in its meeting held on 01.08.2019. The Board recommended supersession of the Respondent. The latter challenged his supersession by invoking the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. The petition was allowed by the learned Single Judge vide order, dated 24.01.2020

and a direction was given that the Respondent be considered afresh in the forthcoming meeting of the Board.

3. The learned Assistant Attorney General has been heard at length. He was asked whether the Respondent was considered afresh for promotion. He answered in the affirmative. With his able assistance we have carefully perused the record. The case of the Respondent was forwarded to the Central Selection Board despite the fact that his complete record was not available. His complete record relating to Performance Evaluation Reports (hereinafter referred to as the "**PERs**") was not available and, therefore, the learned Single Judge has rightly observed that his performance could not be evaluated and thus he could not have been recommended for supersession. Completion of the record is the obligation of the Federal Government. A case, therefore, cannot be forwarded for consideration of the Central Selection Board when complete relevant record is not available. Delay in completing the PERs cannot be attributed to a civil servant unless the latter has not submitted his forms within time, It is for the Federal Government to put in place an effective mechanism to ensure that the record relating to PER's is complete so that rights of the civil servants are not prejudiced. It is the obligation of the Federal Government to

ensure that before forwarding the case of a civil servant for consideration of his promotion to the next higher grade, the relevant record is complete. The impugned order does not suffer from any legal infirmity.

4. For the above reasons, this appeal is without merit and, therefore, accordingly dismissed ***in limine***.

(CHIEF JUSTICE)

(LUBNA SALEEM PERVEZ)
JUDGE

Asif Mughal/*