

**JUDGMENT SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**(JUDICIAL DEPARTMENT)**

**I.C.A No. 193 of 2020**

Majeed-ur-Rehman Malik

*Versus*

Ministry of Interprovincial Coordination and others

Appellant By: In person.

Date of Hearing: 08.09.2020

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**Ghulam Azam Qambrani, J:-** Through this Intra Court Appeal, the appellant seeks setting aside the impugned judgment dated 03.07.2020 passed in W.P No.766 of 2020, by the learned Single Judge in Chambers whereby writ petition filed by the appellant/petitioner was dismissed.

2. Brief facts of the case as narrated by the appellant are that he was initially appointed as Assistant (BPS-11) in F.I.A in the year 1987, thereafter, he was appointed as Inspector (BPS-16) in the Department of Tourists Services and then he joined Associated Press of Pakistan on deputation as Assistant Manager (Grade-II) wherein he was absorbed in the year 1996. In the year 2002, he joined PTCL as Public Relation Officer (BPS-16) on deputation basis where he was absorbed in February, 2002 in the same scale. It is further stated that pursuant to the direction of the Honourable Supreme Court of Pakistan, he was repatriated to Associated Press of Pakistan vide letter dated 14.01.2019, where he was further directed to report to the Department of Tourist Services. The appellant submitted his joining report in the Department of Tourist Services, which was not accepted vide impugned letter dated 13.02.2019. Against the said order, he preferred an appeal before the Secretary, Ministry of Inter Provincial Coordination on 19.02.2019, which was dismissed vide order dated 20.01.2020. The

appellant being aggrieved, filed writ petition No.766 of 2020 before this Court, which was dismissed vide impugned judgment dated 03.07.2020, hence instant Intra Court Appeal.

3. The appellant in person submitted that his terms and conditions at the time of initial appointment were regulated by the Civil Servant Act, 1973 and the rules and regulations framed thereunder; that he has reached the age of superannuation on 27.03.2020 after serving for 32-years 6-months and 26-days without pension and no department is ready to accept him as its employee and he is moving from pillar to post like a rolling stone for the last one year till date without salary, pay and perks and now without pensionary benefits; that he is being victimized by the concerned department. He further submitted that the learned Single Judge in Chambers while passing the impugned judgment did not consider the basic points of appointment through absorption in Associated Press of Pakistan and PTCL in the light of judgment of the Hon'ble Supreme Court of Pakistan passed in Crl.O.P. No.89/2011 and the agreed terms and conditions of the service in PTCL; that the learned Single Judge while passing the impugned judgment could not appreciate that the writ petition was against the infringement of fundamental rights enshrined under Articles 4, 9 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973; that if the impugned judgment is not set aside and the appellant is not granted pensionary benefits, he shall suffer irreparable loss. Lastly prayed for acceptance of this appeal.

4. We have heard the appellant and have also perused the impugned judgment.

5. A careful perusal of the record reveals that services of the appellant was repatriated from PTCL after pronouncement of the judgment passed by the Honourable Supreme Court of Pakistan passed in C.R.O. No.18/2015 in Crl. O. P. No.89/2011 whereby the petitioner himself applied to the PTCL that his services may be relieved to his previous department i.e. Associated Press of Pakistan

and subsequently, the Department of Tourist Services refused to entertain the joining request of the appellant. Record further reveals that the appellant was appointed as Assistant (BPS-11) in F.I.A in the year 1987, thereafter, he joined as Inspector (BPS-16) in the Department of Tourists Services on 05.05.1992, then he joined Associated Press of Pakistan on deputation as Assistant Manager (Grade-II) on 14.05.1995, wherein he was absorbed on 09.03.1996 and in this way, his appointment in the Department of Tourist Services, stood terminated and he lost his right of lien. It further transpires from record that the appellant being aggrieved filed an appeal before the Federal Service Tribunal vide Appeal No.1050(R)CS of 2019 with M.P. No.862/2019, which was dismissed vide order dated 20.01.2020 with the clear observation that the appellant is no more civil servant as he himself surrendered his status of civil servant at his own volition and he has become an employee of a company i.e. PTCL, as such, his terms and conditions of service could only be regulated in terms of Pakistan Telecommunication Re-Organization Act, 1996.

6. Keeping in view all these facts and circumstances, the learned Single Judge in Chambers has rightly held that the terms and conditions of services of the appellant in PTCL are governed under the master and servant relationship, as such, rightly dismissed the writ petition filed by the appellant through the impugned judgment.

7. In view of the above, we are fully convinced that the impugned judgment is just, lawful and calls for no interference. Hence, the instant Intra Court Appeal is **dismissed in limine**.

(AAMER FAROOQ)  
JUDGE

(GHULAM AZAM QAMBRANI)  
JUDGE

S.Akhtar