

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No.3486/2019.

Khalid Hussain Mughairi

Versus

Federal Public Service Commission etc.

No. of r/ eedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
----------------------------------	---------------------------------------	--

01. **11.10.2019** **Malik Talat Hussain, Advocate for the petitioner.**

Through the instant writ petition, the petitioner has assailed departmental proceedings initiated by the respondents/FPSC against the petitioner on 07.10.2019, whereby the petitioner was directed to appear before the Inquiry Committee on 10.10.2019 for personal hearing.

2. Learned counsel for the petitioner contends that the petitioner is civil servant and employee of FPSC; that FIR No.05/2019, dated 13.02.2019, U/S 161, 409, 109 PPC read with 5(2)47 PCA, Police Station FIA/ACC was registered against the petitioner on the complaint of FPSC; that unless criminal proceedings are pending against the petitioner, the departmental proceedings cannot be carried out in the light of Establishment Division O.M No.4/5/69-D.1, dated 17.06.1969; that the departmental proceedings against the petitioner may be deferred.

3. I have heard the petitioner and gone through the record.

4. Perusal of the record reveals that the petitioner is an accused in case FIR No.05/2019, dated 13.02.2019, U/S 161, 409, 109 PPC read with 5(2)47 PCA, Police Station FIA/ACC registered on the complaint of FPSC with the allegations that papers of CSS-2019 have been leaked by the officials of FPSC including the petitioner. The petitioner was arrested in the said case and was granted post arrest bail by the Lahore High Court,

Lahore vide order dated 24.05.2019. The respondents/FPSC has initiated departmental proceedings against the petitioner and constituted a Inquiry Committee to inquire into the charges leveled against the petitioner on 07.10.2019. The petitioner has been charge sheeted and served with statement of allegations. The petitioner responded all the charges through written reply, however, vide letter dated 07.10.2019, the petitioner was directed to appear before the Inquiry Committee on 10.10.2019 for personal hearing but the petitioner opted not to appear before the Inquiry Committee rather challenged his summoning through instant writ petition.

5. It is trite law that departmental proceedings cannot be challenged in Constitutional petition, especially when the matter has not yet been concluded and no final order is in field. Reliance is placed upon 1993 P L C (C.S.) 1364 (Abdul Rahim Awan vs. Government of Pakistan and others). Even otherwise, summoning of the petitioner by Inquiry Committee is not an act, which has prejudiced the rights of the petitioner in any manner rather he was called to explain his position on the available incriminating evidence.

6. In view of the above reasons, the instant writ petition is not maintainable, therefore, the same is hereby dismissed in limine.

(MOHSIN AKHTAR KAYANI)
JUDGE