

W.P No.1391/2019.

Vs.

02.03.2020.

2. Learned counsel for the petitioners contends that the petitioners were appointed in MEAs project by the then Ministry of Environment as Deputy Project Manager, Chowkidar, Finance Assistant, Subject Specialist and Executive Director on different dates in the year 2006-07 and their project services continued till closing of the project i.e. 31.12.2013 but they performed their duties with the respondents for next one year and as such they cannot be deprived of their legitimate right of salary; that overwhelming record appended with this petition has been highlighted by the petitioners to justify their arguments that the respondents have promised to get the salary released despite closing of the project with assurance that the approval is under process and as such after working of one year, the respondents cannot hide behind their plea of closing of the project; that the petitioners filed writ petition No.3934/2013 titled *S. Waheed Rizvi etc vs. Federation of Pakistan*, in which vide order dated 22.10.2013 direction was passed by this Court to clear outstanding amount of the petitioners without any delay. Similar direction was passed by this Court in writ petition No.65/2015 titled *Asif*

W.P No.1391/2019.

Hanif, Deputy Project Manager etc vs. Secretary, Climate Change Division & another vide order dated 12.09.2017.

3. Conversely, learned AAG contends that the project ceased to exist on 31.12.2013 and same was not extended by the competent authority and if the petitioners have performed any such duty beyond closing of the project, they are not entitled for any compensation or salary, even otherwise, such facts are disputed and the same cannot be resolved in Constitutional jurisdiction.

4. I have heard the arguments and perused the record.

5. Perusal of the record reveals that the petitioners were engaged in the Establishment of National Multilateral Environmental Agreements (MEAs) Secretariat by the then Ministry of Environment on different positions in the year 2006-07, however, the project was closed on 31.12.2013 and no extension was granted by the competent authority to the project employees after 31.12.2013 but as per stance of the petitioners, they performed their duties beyond the said period w.e.f. 01.01.2014 to 27.01.2015 and some of their colleagues have agitated this matter before this Court in writ petition No.3934/2013 titled *S. Waheed Rizvi etc vs. Federation of Pakistan* and writ petition No.65/2015 titled *Asif Hanif, Deputy Project Manager etc vs. Secretary, Climate Change Division & another*, which was disposed of with direction to the respondents to determine this matter and as a result the impugned order dated 14.02.2018 was passed.

6. The entire record of the case is based upon admitted position that the petitioners were project employees, which was closed on 31.12.2013 and the petitioners are seeking salary of period starting from 01.01.2014 to 27.01.2015 but the said question cannot be settled in instant Constitutional petition as it relates to the disputed facts, which require recording of evidence.

7. In view of the above reasons, the instant writ petition bears no merits, therefore, the same is hereby dismissed. However, the petitioners may resort to their remedy available to them under the law, if so, advised.

(MOHSIN AKHTAR KAYANI)
JUDGE