

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD. **JUDICIAL DEPARTMENT.**

Execution Petition No. 03/2019

Nawab Ali.

Versus

National Highway Authority (NHA) & others.

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

13.06.2022

Mr. Muhammad Iftikhar ud Din, Advocate for the petitioner in Execution Petition No.3 of 2019 and Execution Petition No.01 of 2021.
Mr. Abdul Rahman Khan, Advocate for the petitioner in Writ Petition No.3685 of 2018.
Ch. Hasan Murtaza Mann, Advocate for the petitioner in Writ Petition No.4429 of 2018.
Barrister Muhammad Hassan Alam, Advocate for NHA in Execution Petition No.03 of 2019.
Mr. Muhammad Umer Riaz and Umer Ijaz Gillani, Advocates for respondents No.7 and 12 in Execution Petition No.03 of 2019.
Barrister Umer Alsam Khan and Barrister Tassadaq Hanif, Advocates for NHA in Writ Petitions No.3685 and 4429 of 2018.
Sardar M. Haroon Sami, Advocate for NHA in Execution Petition No.01 of 2021.
Mr. Abdul Rahman Khan, Advocate for respondents No.5 & 8 in Execution Petition No.03 of 2019.
Mr. Asad Baloch, Assistant Director (Legal), NHA.

I have heard the learned counsel for the parties. The only remaining arguments are on part of Mr. Muhammad Umer Riaz, Advocate, who can argue the matter on the next date of hearing.

2. It appears from the arguments of the learned counsel for the parties that there are two orders of the august Supreme Court in the field. One, in Civil Appeal No.1119 of 2015

dated 02.06.2016 and another in Criminal Miscellaneous Application No.715 of 2018 dated 08.10.2018. A plain reading of the orders suggests that it is for the National Highway Authority (NHA) to decide the fate of the employees (whose regularization and/or employment has been challenged in various proceedings), in accordance with the NHA's regulatory framework and service rules.

3. The learned counsels for NHA state that the regularization of 78 employees, who were in BS-18 & BS-19, were set-aside by NHA, which order was then challenged before the learned Baluchistan High Court and was set-aside. The learned Baluchistan High Court while disposing of the matter had held that the Executive Board of NHA may take any decision in relation to such employees in accordance with law and consequently the fate of all of the contractual employees, some of whom may have been regularized at some stage lies with NHA.

4. The learned counsels for NHA have been unable to satisfy this Court that NHA as a statutory body has reached a considered decision regarding the employment status and future of its contractual employees in accordance with its rules.

5. Let Chairman, NHA, file a report supported by an affidavit stating (i) the status of the employees whose regularization was to be decided in accordance with the policy decision of the Cabinet Sub-Committee in year 2011, (ii) the manner in which the question of their absorption on a permanent basis and/or regularization is to be decided by NHA, and (iii) the time-frame within which the order of the august Supreme Court in Civil Appeal No.1119 of 2015, dated 02.06.2016, will be implemented in letter and spirit. Let him call a meeting of the Executive Board that will deliberate the issue and sign off on the decision specifying the time-frame and manner in which the employment decision will be reached by NHA. Let Chairman, NHA, file this affidavit and report by 20.06.2022. The learned counsel for all the petitioners may procure a copy of such report from the office before the next date of hearing.

6. Let the matter be fixed for 22.06.2022.

(BABAR SATTAR)
JUDGE