

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.4108-2013

Safeer Hussain Shah

Vs.

Election Commission of Pakistan etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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02.10.2019	Mr. Safeer Hussain Shah, Advocate for petitioner. Mr. Sana Ullah Zahid, Advocate for respondents.
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Through the instant petition, the petitioner assails appointment of respondent No.5 as Secretary, Election Commission of Pakistan.

2. Learned counsel for the petitioner, *inter alia*, contended that respondent No.5 resigned from service and ^{to}the effect, an order was passed by the Election Commission of Pakistan, however, subsequently he was re-inducted under the pretext that the Prime Minister did not approve his resignation. It was submitted that under the facts and circumstances, holding of tenure of respondent No.5 is without any lawful authority.

3. Learned counsel for respondent No.1, *inter alia*, contended that contract of respondent No.5 has expired in October, 2014 hence instant petition has become infructuous.

4. Arguments heard. Record perused.

5. The instant petition assails appointment of respondent No.5 as Secretary, Election Commission of Pakistan. Respondent No.5, after his retirement as Federal Secretary, was appointed as Secretary, Election Commission of

Pakistan on contract on 05.09.2011. During subsistence of contract, he resigned but his resignation was not accepted by the competent authority and he was directed to resume duty in above capacity. On 26.10.2013, contract was renewed which expired on 25.10.2015.

6. Since respondent No.5 is no more Secretary, Election Commission of Pakistan hence instant petition has become infructuous.

7. The contention of learned counsel for the petitioner that law needs to be settled regarding re-induction of civil servants is an academic one. It is settled principle that courts do not adjudicate academic issues.

8. For the above reasons, instant petition is disposed of as having become infructuous.

(AAMER FAROOQ)
JUDGE

Zawar