

**JUDGMENT SHEET**

**ISLAMABAD HIGH COURT, ISLAMABAD,**

**JUDICIAL DEPARTMENT**

**Writ Petition No.2971/2019**

Khushnood Ahmad, etc.

*versus*

PTDC & 2 others

Petitioners by: Mr. Muhammad Munir Paracha and Mr. Nouman  
Munir Paracha, Advocates.

Respondents by: Mr. Arfan Ullah Khan, Advocate for respondents.  
Barrister Muhammad Mumtaz Ali, AAG.  
Dr. Azeem-ush-Shan, S.O. Cabinet.

Date of Decision: 21.02.2020.

**MOHSIN AKHTAR KAYANI, J:** Through the instant writ petition, the petitioners have prayed for regularization of their services under the Prime Minister Assistance Package for Families of Government Employees who Died in Service, notified on 21.05.2018.

2. Learned counsel for petitioners contends that all the petitioners are the real sons of deceased employees of PTDC, who died during their service on different dates, and petitioners having been covered under Prime Minister Assistance Package (*hereinafter referred to as "Package"*) have been appointed on contract basis for the period of 02 years without advertisement; that the Cabinet Division revised the Package vide O.M. dated 21.05.2018, whereby the services of contract employees appointed under the above referred Package have been made extendable till the age of superannuation or regularization, as the case may be, on the basis of which the petitioners claim their regularization, but the PTDC/respondents have not acknowledged this right of the petitioners.

3. Conversely, learned AAG along with learned counsel for respondent PTDC and officials of the Cabinet Division in attendance contended that the Pakistan Tourism Development Corporation (*hereinafter referred to as "PTDC"*) is a registered company and governed through its Board of Directors, before whom

the request of petitioners have been placed in its 86<sup>th</sup> Meeting held on 01.08.2019, but the request of the petitioners has not been acceded to; that instant writ petition is not competent and the same may be dismissed.

4. Arguments heard, record perused.

5. Perusal of record reveals that all the petitioners have been appointed on contract basis for the period of two years in respondent PTDC under the Prime Minister Assistance Package, who are now claiming regularization of their services on the strength of O.M. dated 25.05.2018, which is as under:

**GOVERNMENT OF PAKISTAN  
CABINET SECRETARIAT  
ESTABLISHMENT DIVISION**

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No.8/65/2016-E-2

Islamabad, the 21<sup>st</sup> May, 2018

**OFFICE MEMORANDUM**

**Subject: REVISION OF PRIME MINISTER'S ASSISTANCE  
PACKAGE FOR FAMILIES OF GOVERNMENT  
EMPLOYEES WHO DIE IN SERVICE.**

*The undersigned is directed to refer to this Division's O.M. No.7/40/2005-E-2 dated 13<sup>th</sup> June, 2006 on the above noted subject and to state that the Prime Minister has approved the following amendment/addition under heading/item of Employment for:*

2. *All Ministries/Divisions are requested to ensure circulation of the above mentioned amendments to their attached departments and sub-ordinate offices under their administrative control for implementation in letter and spirit.*

**(Muhammad Ijaz Khan)**

Section Officer (E-2)

Tele#9103653

6. Learned counsel for respondent contends that respondent PTDC is a company and regulates its affair through the Board of Directors, whereby request of petitioners has been placed before the said Board in its 86<sup>th</sup> Meeting held on 01.08.2019, whereby the following decision on Agenda Item No.2 has been made:

***Additional Agenda Item-2 PM Assistance Package***

*The MD apprised the Board that Establishment Division conveyed approval of PM Assistance Package for families of Government employees*

*who died in service on 13-06-2006. Establishment Division, in 2010, issued instructions to corporate/autonomous bodies to indicate whether package was acceptable or otherwise. He informed that the case was not placed before the Board by PTDC Management but approval for adoption of the package was issued by the then MD PTDC and need consideration of the Board. Keeping in view inflation and financial problems of such families, MD recommended adoption of the package.*

*Additional Secretary Cabinet Division recommended seeking opinion of the Establishment Division. Secretary KP drew attention of the house towards other financial liabilities such as pension contribution that adoption of the package may cause and suggested to defer the item. Additional Secretary Tourism, Punjab opined that the Package may be re-visited and developed keeping in view requirements of the company as a few item may not be related to PTDC.*

*Chairman BoD suggested to present financial implications before the Board for consideration and decision.*

***Decision:*** *The Board directed the management to prepare a tailored Package under PM Assistance and financial implications for consideration of the Board.*

7. The above referred decision clearly spells out that the matter is under consideration and the management of PTDC was directed by the Board to prepare tailored package in the light of Prime Minister Assistance Package after considering its financial implication, meaning thereby that a new package will be submitted before the Board for its approval after considering its financial implication.

8. In view of above, the instant writ petition is **DISPOSED OF** with direction to respondent PTDC to decide the case of petitioners in accordance with law after considering the financial implication and place the matter before the Board of Directors within the period of 02 months, under intimation to this Court. It is expected that the Board of PTDC will consider the case of petitioners sympathetically.

(MOHSIN AKHTAR KAYANI)  
JUDGE

Khalid Z.