

**JUDGMENT SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

I.C.A. No.749 of 2013

Pervez Khan

Versus

Ministry of Housing & Works, Islamabad etc.

Date of Hearing: 09.03.2020 & 08.07.2020  
Appellant by: Mr. Pervez Khan, appellant in-person,  
Respondents by: Ch. Abdul Jabbar, learned Deputy Attorney General and Malik Intzaar Hssain, learned Assistant Attorney-General, Mr. Muhammad Khabab, Section Officer, Ministry of Housing & Works, Mr. Sohail Sarwar Jaura, Director Admin, Mr. Sajjad Ahmed Bokhari, Deputy Director and Abid Hussain, Assistant, for the N.H.A.

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**MIANGUL HASSAN AURANGZEB, J:-** Through the instant intra Court appeal, the appellant, Pervez Khan, assails the judgment dated 10.05.2013 passed by the learned Judge-in-Chambers whereby his criminal original petition No.96/2013 was dismissed.

2. The appellant appeared in-person and submitted that he should have been given employment in the National Housing Authority instead of Institutional Strengthening Project of the said Authority. He candidly admitted that after the issuance of the letter dated 09.05.2013, reinstating him as an Economist in the Institutional Strengthening Project of the National Housing Authority., he did not join service in the said Project. The appellant further submitted that the National Housing Authority should have referred his case to the Sub-Committee of the Cabinet on the regularization of contract and daily wages employees; that had the appellant's case been so referred, he would have attained the status of a regular employee of National Housing Authority; and that the respondents committed gross Contempt of Court by not employing the appellant in the National Housing Authority as a regular employee. The appellant prayed for the appeal to be allowed.

3. On the other hand, the learned Deputy Attorney-General and the learned Assistant Attorney-General submitted that the appellant had been reinstated as an Economist in the Institutional Strengthening Project of the National Housing Authority in

compliance with the order dated 20.11.2012 passed by this Court in writ petition No.3102/2011; that on 09.04.1997, the appellant had been employed on contract basis as an Economist in the Institutional Strengthening Project of the National Housing Authority; that the said Project had been financed by the World Bank; that the appellant was neither a contract employee nor a regular employee of the National Housing Authority when his contractual employment came to an end; that the appellant had been gainfully employed from 1980 to 2012 in various departments in the Province of Khyber Pakhtunkhwa; and that since the appellant refused to join service after the issuance of the reinstatement letter dated 09.05.2013, the instant appeal merits dismissal. The learned Deputy Attorney-General and the learned Assistant Attorney-General prayed for the appeal to be dismissed.

4. We have heard the contentions of the appellant as well as the learned Deputy Attorney-General and the learned Assistant Attorney-General and have perused the record with their able assistance.

5. The record shows that the appellant had filed writ petition No.3102/2011 before this Court seeking his reinstatement in service under the provisions of the Sacked Employees (Re-instatement) Act, 2010 ("the 2010 Act"). The said petition was allowed vide judgment dated 20.11.2012 and the appellant/petitioner was held to be entitled to be reinstated as an Economist in the National Housing Authority. Civil petition No.137/2013 preferred by the Ministry of Housing & Works etc. against the said judgment of this Court was dismissed by the Hon'ble Supreme Court vide judgment dated 23.04.2013. Since the appellant was not reinstated in service, he filed criminal original petition No.96/2013 before this Court. During the pendency of the said petition, the appellant was reinstated in service as an Economist in the Institutional Strengthening Project of the National Housing Authority with effect from 06.12.2010. This was done through letter dated 09.05.2013. After the issuance of the said letter, the appellant's said contempt petition was dismissed by this Court vide order dated 10.05.2013. Against the said order, the appellant has preferred the instant appeal.

6. The appellant was not able to satisfy this Court that he was a regular employee of the National Housing Authority when his

employment was brought to an end. The appellant's employment contract dated 09.04.1997 clearly shows that he had employed as an Economist in the Institutional Strengthening Project of the National Housing Authority, which was funded by the World Bank. The letter dated 09.05.2013 whereby the appellant was reinstated as an Economist in the Institutional Strengthening Project of the National Housing Authority was issued in compliance with the order dated 20.11.2012 passed by this Court in writ petition No.3102/2011. Admittedly, the appellant did not join service after the issuance of the said letter.

7. The appellant's contention that he should have been "*reinstated*" as a regular employee in the National Housing Authority is without any legal basis since he was not employed in the National Housing Authority at any material stage but in one of the said Authority's projects. Furthermore, this Court in its order dated 20.11.2012 had given no directions for the appellant to be employed as a regular employee of the National Housing Authority.

8. In view of the above, we do not find any merit in this appeal which is accordingly dismissed with no order as to costs.

(FIÁZ AHMAD ANJUM JANDRAN)  
JUDGE

(MIANGUL HAṢṢANĀŪRANGZĒB)  
JUDGE

ANNOUNCED IN AN OPEN COURT ON 14-07-2020

(JUDGE)

(JUDGE)

Sultan\*