

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No. 2659 of 2017

Nasarullah Khan

Vs

FOP, 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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04.	01-02-2019	Rana Shahid Hussain Khan, Advocate for the petitioner. S.M Tayyab, DAG.
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The petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 assailing order, dated 13-04-2017.

2. The facts, in brief, are that the petitioner was appointed in 1994 as Junior Clerk. His services were regularized on 09-07-2005 . The petitioner was claiming ante-date seniority and in this regard he filed a representation before the competent authority. The latter did not decide his representation and, therefore, the petitioner invoked the jurisdiction of this Court by filing W.P.No.3525 of 2015, which was disposed of by this Court vide order, dated 15-04-2016. In compliance with the said order, the competent authority has passed the impugned order, dated 14.04.2017.

3. The learned Deputy Attorney General, at the very outset, has raised an objection regarding maintainability of this petition. He has argued that the terms and conditions of service of employees of Pakistan Bait-ul-Mal are not governed under statutory rules/regulations. In this regard he has placed reliance on judgments of the august Supreme Court i.e. judgment dated 01-10-2010 passed in Civil Petition No.601 of 2010 titled "Managing Director, M/o Social Welfare & Social Education vs. Maqsood Ahmed Awan & others", and judgment, dated 01-12-2011 rendered in Civil Petition No.514 of 2010 titled 'Alamgir vs. Ministry of Social Welfare and Special Education'.

4. The learned counsel for the petitioner on the other hand has placed reliance on a recent judgment of the august Supreme Court titled "Messrs State Oil Company Limited vs. Bakht Siddique and others", **2018 SCMR 1181**.

5. The learned counsel and the learned Deputy Attorney General have been heard and record perused with their able assistance.

6. Admittedly, the petitioner is a regular employee of Pakistan Bait-ul-Mal. He was regularized in service in 2005. His grievance is regarding his seniority. The judgment relied upon

by the learned counsel for the petitioner is distinguishable because it does not relate to an employee who has been regularized. Moreover, the learned Deputy Attorney General has placed reliance on judgments of the august Supreme Court wherein the service regulations of the respondent organization have been declared as non-statutory. The relationship of Pakistan Bait-ul-Mal and its employees is in the nature of 'Master' and 'Servant'.

7. For what has been discussed above, this petition is not maintainable and accordingly dismissed.

(CHIEF JUSTICE)

*Asif Mughal/**

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