

ORDER SHEET

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

W.P. No.3201/2021

Faiz ul Islam

Versus

The Joint Director General, BPHQ, IB, Quetta, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	14.09.2021.	Ms. Asma Tanveer Randhawa, Advocate for petitioner.

Through this writ petition the petitioner has
prayed for the following relief:-

That this writ petition may graciously be allowed, operation of the termination letter dated 08.04.2021 be suspended immediately and respondents be ordered to reinstate the petitioner as no proper procedure is adopted in said matter by the department and may back salary alongwith the forthcoming salaries be granted to the petitioner along with all medical allowances due towards the petitioner. Moreover keeping in view the psychological condition of the petitioner, the petitioner is transferred to Faisalabad and act of stopping petitioner's salary and termination declared to be void, illegal, without jurisdiction and of no legal effect being without lawful authority. It is further prayed that it be declared that the petitioner is in service as before 1st December 2020. It is also prayed that during pendency of this writ petition, the operation of the impugned termination letter be set aside.

2. Learned counsel for the petitioner *inter-alia*

contends that petitioner was civil servant, who has been dismissed from service vide letter dated 08.04.2021 without observing legal formalities and as such appeal filed by the petitioner against the order of termination has not yet been decided by the D.G. I.B; that petitioner has been victimized of his medical condition as he has not been paid his due salary and even he has not been given proper opportunity of hearing.

3. Learned counsel for the petitioner has been confronted regarding the present status of petitioner who is admittedly civil servant, even the bare reading of impugned order dated 08.04.2021 reflects that the petitioner has been directed to exercise his right of appeal to the DG IB, IBHQ under Civil Servants (Appeal) Rules, 1977 within a period of 30 days and as per stance of petitioner's counsel appeal has been filed but the same has not yet been answered in any manner.

4. In such scenario, this court is not permitted to interfere into the domain of administrative tribunals by virtue of bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. Reliance is placed upon 2021 SCMR 1390 (Chief Secretary Government of Punjab, Lahore and others vs. Ms. Shamim Usman), 2021 SCMR 153

(Federation of Pakistan through Secretary
Establishment Division, Islamabad vs. Shafqat-ur-
Rehman Ranjha and others).

5. In view of above, instant writ petition is not maintainable and the same is hereby dismissed in limine. However, it is expected from the departmental authorities to adjudicate the appeal in accordance with law. Copy of this order be transmitted to the DG IB, IBHQ, Islamabad.

(MOHSIN AKHTAR KAYANI)
JUDGE