

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

Criminal Original No. 93/w/2019

Muhammad Sohail Khan

Versus

Maj (R) Azam Suleman Khan etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(02)	16.09.2019	Mr. Hasan Rashid Qamar, Advocate for the petitioner. Raja Muhammad Aftab Ahmad, AAG. Ehsan Ullah, Section Officer, Ministry of Interior. Waqar Ali, A.D and Azhar Shah, A.D, Immigration & Passports Machine Readable Passport Project, Islamabad.

MOHSIN AKHTAR KAYANI J. Through the instant criminal original petition, petitioner has prayed for initiation of Contempt of Court proceedings against the respondents for non-compliance of order dated 13.12.2018, passed in W.P No. 4710/2018.

2. Learned counsel for the petitioner contends that petitioner has filed writ petition for regularization of his service, whereby the same was disposed of by this Court vide order dated 13.12.2018 with the direction to the Director General, Immigration & Passports, Secretary, Ministry of Interior as well as to Establishment Division to decide the question in accordance with law while considering the principles laid down in the **"I.C.A No. 340/2017 titled Imran Ahmad Vs. Federation of Pakistan."**

3. Conversely, learned Assistant Attorney General as well as officials of Ministry of Interior, Immigration and Passports Office contend that the services of the petitioner could not be regularized as he was appointed in a Project without any advertisement, test and interview and he was appointed on contingent basis, the said fact was also acknowledged by the petitioner himself in para-9 of his writ petition No. 4710/2018. Learned Assistant Attorney General further contends that the judgment of this Court, passed in I.C.A No. 340/2017 does not extend any benefit to the contingent staff, who have been appointed without any advertisement, test and interview and as such no contempt has been committed in this regard.

4. Arguments heard, record perused.

5. From the perusal of record, it has been observed that petitioner has filed instant petition for initiation of contempt of Court proceedings against respondents on the strength of order dated 13.12.2018, passed in W.P No. 4710/2018, whereby respondents were directed to decide the representation regarding regularization of service of the petitioner. However, it is pertinent to mentioned here that respondents has placed on record the letter dated 13.09.2019, issued by Establishment Division, wherein it has been mentioned that in the light of directions of this Court, passed in I.C.A No. 340/2017, the case of petitioner is under consideration. Although there is no element of contempt of Court and as such case of

the petitioner could be looked by the concerned authorities under the ratio settled in I.C.A No. 340/17, however, the employees who have not been hired through the transparent manner, *i.e* advertisement, test and interview, they have no right to be regularized under any circumstances.

6. For what has been said above, instant criminal original is misconceived and same is hereby **dismissed.**

(MOHSIN AKHTAR KAYANI)
JUDGE

RAMZAN