

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Crl. Org. No. 53/2018.

Ghulam Nabi Bangash

Versus

Hasnat Ahmed Qureshi, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	25.09.2019.	Dr. G. M. Chaudhry, Advocate for applicant. Barrister Mumtaz Ali, AAG. Masood ul Hameed Malik, DD(L), M/o FE&PT, Islamabad. S. M. Rehan Naqvi, AD(L), FDE. Tahir Jameel Ahmed, Deputy Secretary (R-II). Ihsanuddin, Section Officer (R). Mahmood Khan Lahko, Section Officer (Lit-V), Establishment Division. Jameel Ahmed, Section Officer, Finance Division.

Through this Crl. Original, applicant has sought initiation of contempt of court proceedings against respondents for non-compliance of judgment dated 28.08.2017, passed by this Court in W.P No.362/2017.

2. The operative part of judgment dated 28.08.2017, passed by this Court is as under:-

Be that as it may, respondents No.1 to 4 are bound in terms of Article 189 and 190 of the Constitution to implement the judgment of the Hon'ble Supreme Court. In this regard, it may be mentioned that since the Hon'ble Supreme Court did not set aside the order dated 02.10.2012, passed by the Federal Service Tribunal, both the orders have to be read together. Therefore, this petition is allowed with the direction to respondents No.1 to 4, to put up a summary before the competent authority to consider the petitioner's claim for antedating his promotion with effect from 01.07.2009, strictly in accordance

with the law and the policy, if any. There shall be no order as to costs.

3. Learned AAG alongwith officials have been confronted regarding the compliance of said judgment, whereby it has been contended that order passed by this Court has been implemented and as such the case was forwarded to the Prime Minister of Pakistan who has turned down the up-gradation claim of the applicant.

4. Learned counsel for the applicant contends that applicant filed writ petition No.362/2017 for the implementation of judgment of Federal Service Tribunal regarding the claim of antedated up-gradation w.e.f. 01.07.2009 alongwith back benefits.

5. Keeping in view the above background, learned counsel for the applicant has been confronted with the order of Federal Service Tribunal, whereupon he has submitted the copy of order dated 02.10.2012, passed in Appeal Nos.918 to 930@CS-2012, the same is reproduced hereunder:-

Counsel for the appellants states that the appellants being in the Education Department are entitled to upgradation from the date announcement to that effect was made by the Prime Minister of Pakistan. The respondents may consider the claim of the appellants by putting up a summary to the Prime Minister of Pakistan for ante-dating upgradation. With the above observation, the appeals are disposed of.

6. While considering the above order as well as judgment of this Court, passed in W.P No.362/2017, it has been observed that the cases of up-gradation have

already been considered and given effect by the concerned Ministry w.e.f. 01.01.2011, whereas applicant claims that his ante-dated up-gradation be made w.e.f. 01.07.2009 as per the oral commitment given by the then Prime Minister of Pakistan in Salam Teacher Program.

7. I have gone through the various documents and reports, whereby summary has been processed but the final approval was given after complete process by the Establishment Division, Ministry of Finance on 01.01.2011, hence, the spirit of judgment has fully been complied with and applicant has no case for ante-dated up-gradation w.e.f. 01.07.2009 and verbal/oral assertion given by the then Prime Minister of Pakistan in any program, seminar or TV show has no sanctity, therefore, no contempt is made out and instant Criminal Original is misconceived and the same is hereby dismissed.

(MOHSIN AKHTAR KAYANI)
JUDGE/

Zahid