

ORDER SHEET  
ISLAMABAD HIGH COURT  
ISLAMABAD

**W.P.No.676/2018**

Dr.Ayesha Kulsoom  
VERSUS  
The Senate PIDE and others

S.No. of order/ Proceeding	Date of hearing	Order with signature of Judge, and that of parties or counsel, where necessary.
	05.11.2019.	Mr.Shams Iqbal Khattak, Advocate for the Petitioner. Malik Babar Hameed, Advocate for respondents No.1 to 5. Raja Muhammad Aftab Ahmed, AAG.

Through the instant writ petition, the Petitioner has prayed  
for the following relief:-

*It is therefore most humbly prayed that on acceptance of this writ petition, this honourable Court may graciously be pleased to direct the respondents to promote the petitioner against the post of BPS-18 with all attached benefits, furthermore it is also requested that the petitioner being PhD degree holder may please be award the legitimate rights as guaranteed by constitution of Islamic Republic of Pakistan 1973, under article 4, coupled with rules of HEC and under the act of 2010 (PIDE) on the score of length of her service & higher qualification. Further prayed that on promoting the petitioner against the post of BPS-18 i.e Deputy Registrar petitioner may be promoted as Additional registrar as the post of Deputy Registrar has been upgraded, resultantly the direct recruitment against the post of Addl.Registrar may be declared against the rules and regulations and accrued rights of the petitioner, thus respondents may be directed to withdraw such invitation through advertisement for recruitment against the post of Addl.Registrar.*

*Any other relief which this Honourable Court deems fit and proper may also be granted.*

2. Learned counsel for the petitioner interalia contends that petitioner has not been given due promotion despite her eligibility to be promoted against the post of Deputy Registrar (BPS-18) as

per criteria laid down in the Pakistan Institute of Development Economics, Act 2010. Learned counsel for the petitioner has been confronted regarding maintainability of the instant writ petition in the light of Section 34 of the said Act whereby learned counsel has conceded that the criteria referred in the said provision is different, however, in order to settle the question it is necessary to reproduce section 34 which is as under:-

**34. Service of the Institute. (1)** *All persons employed by the Institute in accordance with the terms and conditions of service prescribed by statutes shall be persons in the service of Pakistan for the purposes of any court or tribunal set up by law in terms of Article 212 of the Constitution of the Islamic Republic of Pakistan:*

*Provided that any provision as regards the terms and conditions of employment of persons in the service of Pakistan is general or in comparable employment notwithstanding the service of persons employed by the Institute shall be entirely governed by the terms and conditions prescribed by the relevant statutes.*

(2) *An officer, teacher or other employee of the Institute shall retire from service on the attainment of sixty years age or tenure of service as may be prescribed.*

(3) *No adverse change shall be made in the terms and conditions of employment of any Institute teacher or staff member in the employment of the Institute on the date of enforcement of this Act.*

3. The above referred provisions clearly spells out that any person or employee in the Pakistan Institute of Development Economics (PIDE) if aggrieved regarding his terms and conditions of employment in service he can approach the Service Tribunal or any other Court set up by law in terms of Article 212 of the Constitution of the Islamic Republic of Pakistan, therefore, in the light of above provision instant writ petition stands dismissed being not maintainable. The petitioner may approach appropriate forum for redressal of her grievance, if so advised.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

**M.S..ZAKI.**