

ORDER SHEET.

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

Execution Petition No. 03/2019

Nawab Ali

Versus

National Highway Authority (NHA) & others

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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08.02.2023

Mr. Abdul Rahman Khan, Advocate for the petitioner in Writ Petition No.3685 of 2018.
Ch. Hasan Murtaza Mann, Advocate for the petitioner in Writ Petition No.4429 of 2018.
Barrister Muhammad Hassan Alam, Advocate for NHA in Execution Petition No.03 of 2019.
Mr. Umer Ijaz Gillani, Advocate for respondents No.7 and 12 in Execution Petition No.03 of 2019.
Barrister Afzal Khan Shinwari, Advocate for respondents No.14 and 18.
Mr. Mudassar Abbas, Advocate for respondents No.2 to 6 in Writ Petitions No.3685 and 4429 of 2018.
Sardar M. Haroon Sami, Advocate for NHA in Execution Petition No.01 of 2021.
Mr. Abdul Rahman Khan, Advocate for respondents No.5 & 8 in Execution Petition No.03 of 2019.
Ms. Bushra Iqbal Rao, Director (Personnel), and Mr. Muhammad Asim, Director (Legal), NHA.

The learned counsel for the National Highway Authority (NHA) alongwith Mr. Muhammad Asim, Director (Legal), NHA, states that the judgment of the august Supreme Court, the enforcement of which is being sought, has been given effect. The NHA Board constituted a committee to consider the regularization of employees, which committee recommended the regularization of an overwhelming number of the employees. Such

recommendation was endorsed by the NHA Executive Board and the NHA Executive Board's decision was presented before the NHA Council, which endorsed the decision of the NHA Executive Board. Consequently a majority of the petitioners before the Court would have no grievance once the minutes of meeting of the NHA Council are released. He states that once the minutes of the meeting of NHA Council are received by NHA, they will be filed with the Court. He further states that the only category of employees, whose regularization has not been recommended, are those who are alleged to have furnished fake educational qualifications or fake licenses etc. and disciplinary proceedings will be initiated against such employees.

2. The learned counsel for respondents No.14 and 18 states that while regularizing the employees, NHA has created a special supernumerary cadre, which is in the nature of a temporary cadre and does not provide for career progression or an appropriate incentive structure. The consequence of such design for regularization would be that employees within such cadre would hit a glass ceiling given that there would be no vacancies available for promotion purposes. Given that the

respondents were regularized in 2011, they ought to have been placed in regular cadres rather than having been adjusted in a special cadre.

3. Ms. Bushra Iqbal Rao, Director (Personnel), NHA, in rebuttal, states that there is a judgment of the learned Sindh High Court, through which it was decided back in 2011 that where employees are regularized through a special arrangement, they ought to be placed in a special cadre so that they do not interfere with the promotion and seniority of the employees inducted in regular cadres.

4. Be that as it may, let the respondents file any rejoinder that they wish to file in relation to the affidavit filed by the Chairman NHA or the minutes of meeting of the NHA Council. The rejoinder may not exceed three typed pages.

5. Let the matter be fixed for 09.05.2023.

(BABAR SATTAR)
JUDGE