

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No. 728 of 2020

Sohail Pasha
Vs
Chairman CDA, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
06)	<u>08-07-2020.</u>	Mr Ehsan ul Haq Bhatti Advocate, for the petitioner. Mr Shahid Naseem Gondal Advocate, for the respondents.

Through this petition, the petitioner has sought multiple prayers.

2. The facts, in brief, are that the petitioner was employed on 'daily wage basis' in the Environmental Protection Cell on 02.10.2012. He was employed as "Helper". The employment of the petitioner on 'daily wage basis' was discontinued by the Capital Development Authority in March, 2019. The petitioner is seeking his reinstatement alongwith back benefits. The petitioner is further seeking a direction regarding regularization of his service. The Capital Development Authority has submitted written comments wherein it has been unequivocally stated that the employment on 'daily wage basis' was discontinued due to the conduct of the petitioner.

3. The learned counsel for the petitioner has been heard at length. He was not able to satisfy this Court that a right had accrued in favour of the petitioner to be reinstated in service or to direct the Capital Development Authority to regularize him in service. It is the case of the petitioner that he had not committed any misconduct and that ^{he} did not remain absent from duty. This raises a disputed question of fact which cannot be resolved while exercising jurisdiction under Article 199 of the Constitution. Moreover, the petitioner's employment on 'daily wage basis' and that too having been made in a non-transparent manner does not entitle him to any relief. This Court in the judgment, rendered in W.P. No. 1438/2017, titled "Muhammad Sharif, etc. v. Chairman, Capital Development Authority" has highlighted the principles and law in this regard. No case is made out for issuing a writ in the light of the said principles and law.

4. For the above reasons, this petition is devoid of merits and is also not maintainable. The petition is, therefore, accordingly **dismissed**.

(CHIEF JUSTICE)