

JUDGMENT SHEET.

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

W.P. No. 1723/2018.

Noman Khan

Versus

National Highway Authority through its Chairman, Islamabad, etc.

Petitioner by: Mr. Muhammad Qaboor Khattak, Advocate.

Respondents by: Rana Samreen Akhtar, Advocate.

Date of Decision: 27.05.2019.

MOHSIN AKHTAR KAYANI, J: Through this Writ Petition, the petitioner has prayed for issuance of direction to the respondents to consider petitioner for appointment/recruitment against suitable post as per his academic qualification under Prime Minister's Assistance Package for families of Government employees, who died in service vide O.M No.8/10/2000-CP-I dated 06.08.2004, and amended O.M No.8/13/2016-E-2 dated 17.04.2018 in the interest of justice.

2. Learned counsel for the petitioner contends that petitioner's father namely Razi Muhammad was Deputy Director (BS-18) in NHA, who died on 11.02.2005 during service and petitioner being elder son of late Razi Muhammad was minor at that time and could not be considered for appointment under Prime Minister Assistance Package for families dated 06.08.2004; that petitioner has completed his education having diploma of Associate Engineer in Civil Technology from the Board of KPK Technical Education, Peshawar and is eligible to be appointed on any suitable post under the said O.M and applied for suitable post but he has not been considered by the NHA.

3. Conversely, learned counsel for respondents/NHA contends that petitioner applied for recruitment under Prime Minister Assistance Package and his request was turned down on the ground that time period provided under the

Prime Minister Assistance Package for its application has already been elapsed and the case of petitioner was regretted and as such no right has been accrued in favour of petitioner.

4. Arguments heard, record perused.

5. Perusal of record reveals that petitioner is seeking benefit under Prime Minister Assistance Package for families of Government employees who die in service as his father namely Razi Muhammad (late) was Deputy Director (BS-18) in NHA, who died on 11.02.2005, whereas at the time of death of petitioner's father petitioner was minor and as such he has relied upon O.M dated 06.08.2004, whereby Cabinet Secretariat Establishment Division Government of Pakistan has given an amendment in the O.M dated 21.03.2000 in which child of civil servant who died during service will have to apply for the contract appointment within one year after the death of civil servant. In case of minor child of a civil servant, first one year period will start from the date he /she attains the age of 18 years.

6. Keeping in view the above background, I have gone through the parawise comments submitted by the respondent side, which reveals that petitioner has applied to seek benefit under the deceased quota as per his own request to the Chairman NHA vide application dated 25.06.2013 for grant of time and his application was turned down vide order dated 26.07.2013 with the following observations:-

3. *Your father (Mr. Razi Muhammad) died on 11.02.2005. Since your birth is 05-9-1988 and you attained the age of 18 years on 05-9-2000, therefore, you should applied for appointment in NHA within the period of one year i.e. 05-9-2006 to 04-9-2007.*

4. *Now your claim for appointment in NHA under deceased employees quota is badly time barred therefore cannot be entertained.*

7. Keeping in view the above referred reply submitted by NHA, it reveals that petitioner has already lost his beneficial time and his case has already been

dealt with by the NHA properly and petitioner has been informed regarding the result of his application.

8. The case of the petitioner does not disclose any entitlement or eligibility under the principle of judicial review to be settled. Instant petition is misconceived and the same is hereby *dismissed*.

(MOHSIN AKHTAR/KAYANI)
JUDGE/

Zahid