

JUDGMENT SHEET.
ISLAMABAD HIGH COURT, ISLAMABAD,
JUDICIAL DEPARTMENT.

W.P No.3331/2018.

Saib Jameel Vs. Federation of Pakistan etc.

Petitioner by: Rana Rashad Javed, Advocate.

Respondents by: Barrister Muhammad Mumtaz Ali,
AAG. Sajid Ali Khan, Assistant
Executive Engineer, Pak PWD.

Date of Decision: 28.01.2020.

MOHSIN AKHTAR KAYANI, J:- Through this writ petition, the petitioner has prayed for regularization of his service in the respondents department.

2. Learned counsel for the petitioner contends that the petitioner was appointed on 21.10.2011 on daily wages as Helper and posted in CCD-II, Pak PWD, Islamabad and his services were extended for 85 days up till 13.12.2011 and the same practice continued till 31.12.2013 after every 89 days; that Chief Engineer, Pak PWD issued statement dated 13.12.2013 regarding list of employees, whose names were transmitted to the Committee for regularization of services constituted by the Prime Minister comprising of 165 daily wages/contract employees of Pak PWD but services of the petitioner were not regularized despite the fact that services of other similarly placed employees at serial No.72, 75 and 117 of the list were regularized; that the petitioner has been subjected to discriminatory treatment and he is entitled for regularization of his services.

3. Conversely, learned AAG in attendance contends that the petitioner was appointed on daily wages on 21.10.2011 as Helper and posted in CCD-II, Pak PWD and he performed his duties in different intervals of time till 31.12.2013, however, his services could not be regularized for the reason that he has not completed one year service till 30.03.2012 i.e cut off date for regularization; that even the petitioner was work charge employee; that claim of the petitioner about regularization of services of the employees mentioned at serial No.72, 75 and 117 of the list is not valid as order of regularization of their services was withdrawn by

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the competent authority vide order dated 11.01.2018 as such there is no discrimination.

4. I have heard the arguments and perused the record.

5. Perusal of the record reveals that the petitioner is claiming regularization of his services being daily wages employee, whose services were terminated on 21.10.2011 as Helper and posted in CCD-II, Pak PWD, Islamabad, however, his services were extended for 89 days on nine different occasions and he served till 31.12.2013. The main grievance of the petitioner is based upon the ground of discrimination as on the direction of the Prime Minister, committee for regularization of services of the employee was constituted and list of 165 employees was submitted to the said committee, in which name of the petitioner was mentioned at serial No.58, whereas services of the employees mentioned at serial No.72 (Muhammad Zubair), serial No.75 (Raja Muhammad Adeel) and serial No.117 (Usman Liaqat), whose services were regularized.

6. Learned AAG has been confronted with the situation, whereupon he has taken categorical stance that office order dated 11.01.2018 was inadvertently issued by the Joint Administration Officer of Pak PWD, Government of Pakistan, whereby three other persons referred by the petitioner were also appointed on work charge basis, however, the said office order was withdrawn with immediate effect.

7. This Court has also considered the ground raised by the petitioner in the instant writ petition on the touch stone of judgment of this Court reported as **2019 PLC (CS) N 19 Islamabad (Imran Ahmed vs. Federation of Pakistan)**, wherein it has been held that the employees, whose services have already been terminated and they are not in service at the time of passing of the judgment could not be considered for regularization.

8. Keeping in view above background, the petitioner has failed to demonstrate any of his legal right qua regularization of his services. Even otherwise, his appointment was made without adopting due course of Law and he is not entitled for any right in service on the basis of order, which is without any legal backing. This Court is of the view that no person can be appointed in civil service without adopting due procedure provided in Civil Servant Act, 1973 and Civil Servants

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(Appointment, Promotion and Transfer) Rules, 1973. The instant writ petition bears no merits, therefore, the same stands **dismissed**.

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam

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