

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Crl. Org. No.189/2019
Lt. Col. (R) Ubaid-ur-Rehman Malik
versus

Ijaz Munir, Secretary Establishment Division, FOP & 2 others

| S. No. of order/ proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|------------------------------|----------------------------|--|
| (07) | 29.06.2020 | Mr. Habib-ur-Rehman Chohan, Advocate for applicant. Ms. Ruqia Samee, AAG. Mr. Nadeem Arshad, S.O. Establishment. |

Through this criminal original application, the applicant has prayed for initiation of contempt of court proceedings against the respondents for defiance of this Court's order dated 29.03.2019, passed in W.P. No.3747/2018, whereby respondents department was directed to place the matter of petitioner before the ERRA Board and decide the same within the period of three (03) months.

2. Brief facts referred in the instant case are that Lt. Col. (R) Ubaid-ur-Rehman Malik (applicant) joined the Earthquake Reconstruction & Rehabilitation Authority (*hereinafter referred to as "ERRA"*) as Consultant (HR) w.e.f. 26.10.2010 on contract basis, which has been extended from time and time, however he has not been given benefit of the Federal Government policy for regularization of services and he was terminated too. Accordingly, he filed W.P. No.3747/2018 before this Court, whereby this Court, vide order dated 29.03.2019, directed the respondent Department to treat the said writ petition of present applicant as representation and decide the same within the period of three (03) months, however no action whatsoever has

been taken so far as elaborated by the applicant. Hence, the instant criminal original application.

3. Learned counsel for applicant contends that respondents department have intentionally avoided the order of this Hon'ble Court, dated 29.03.2019; that respondents department did not convene the meeting of ERRA's Board and disobeyed the aforesaid order of this Hon'ble Court; that the act of respondents department amounts to committing contempt of this Hon'ble Court within the meaning of Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973 read with contempt laws.

4. Conversely, learned AAG opposed the filing of instant criminal original application and contends that the respondents department has complied with the direction of this Hon'ble Court passed vide order dated 29.03.2019 and had treated the representation of the applicant in its Board Meeting held on 19.09.2019, whereby applicant's representation was unanimously rejected with the observation that the applicant does not fulfill the minimum criteria, therefore, instant criminal original application may be dismissed.

5. Arguments heard, record perused.

6. Perusal of record reveals that the applicant has prayed for initiation of contempt of Court proceedings against the respondents for defiance of this Court's order dated 29.03.2019, passed in writ petition No.3747/2018, whereby respondents department was directed to place matter of the applicant before ERRA Board and decide the same within period of three months. When confronted learned counsel for the applicant contends that no such decision has been made, however, the respondents have placed letter dated 22.10.2019, whereby ERRA

Board has considered representation of the applicant in compliance of order of this Court and unanimously decided that the applicant does not fulfill the criteria and rejected the same.

7. As such, since order dated 29.03.2019 of this Court has been complied with in letter and spirit, no case for initiation of contempt of Court proceedings is made out, therefore, instant criminal original application stands **DISMISSED.**

(MOHSIN AKHTAR KAYANI)
JUDGE

Khalid Z.