

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.3870/2019.

Rizwan-ur-Rehman

Versus

The Federation of Pakistan through Secretary M/o States and Frontier Region,
Islamabad.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	07.11.2019.	Mr. M. Shabbir Bhutta, Advocate for petitioner.

Through this writ petition, the petitioner has assailed the letter dated 10.10.2019, whereby against regularized service of petitioner, he has been given extension of one year in his contract appointment w.e.f. 13.11.2019 to 12.11.2020 against the vacant post of steno-typist (BPS-14).

2. Learned counsel for the petitioner *inter-alia* contends that petitioner is permanent civil servant and he was appointed on 25.10.2017 on contract basis in BPS-14 as Steno-typist after process of advertisement dated 10.01.2017 published in daily Jang, where-after, he was qualified in test and interview through arrangements made by PTS; that his contract was extended on 18.12.2018 for one year w.e.f. 13.11.2018 by the Ministry of States and Frontier Region, Government of Pakistan and his service was regularized against the vacant post of Steno-typist (BPS-14) on 30.05.2019, where-after impugned letter was issued, whereby letter regarding regularization of service of petitioner dated

30.05.2019 was withdrawn and petitioner was again placed on contract employment without any legal justification. It has lastly been contended that petitioner is permanent civil servant and his terms and conditions are governed under Civil Servant Act, 1973 and he has submitted representation against the impugned letter with the respondent authorities which has not yet been decided, however, if his representation is not decided before 13.11.2019, his status will be converted from permanent employee to contract basis. It has further been contended that petitioner reserves his right to approach Federal Service Tribunal in case his representation could not be decided by the respondent's authority within period of 90 days.

3. Arguments heard, record perused.

4. Perusal of record reveals that petitioner claims to be permanent civil servant prior to the issuance of impugned letter dated 10.10.2019, whereby his status has been converted to contract employee.

5. The above referred position has been confronted to the learned counsel for the petitioner who candidly conceded and claims that petitioner is permanent civil servant and as such any subsequent order, if effects his rights, the same cannot be agitated by invoking constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. As per bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 any matter relating to

terms & conditions of persons in the service of Pakistan, including disciplinary matters shall only be adjudicated and decided by the Administrative Courts or Tribunals who are in exclusive jurisdiction in this regard i.e. FST. Reliance is placed upon PLD 1997 SC 382 (Ahmed Salman Waris Vs. Nadeem Akhter), PLD 2019 SC 563 (Secretary Revenue Division, Islamabad Vs. Iftikhar Ahmed Tabassam) and 2015 SCMR 456 (Ali Azhar Khan Baloch and others Vs. Province of Sindh and others).

6. Keeping in view the above mandate of law, instant writ petition is not competent as issue highlighted in the instant writ petition falls within the purview of terms & conditions of service as per the contention of the petitioner, therefore, he may be advised to approach the competent forum. However, petitioner's counsel has conceded that representation filed by the petitioner is yet to be decided by the respondent's authority, therefore, instant writ petition is misconceived and the same is hereby dismissed in limine. However, petitioner can exercise his lawful remedy in accordance with law.

(MOHSIN AKHTAR KAYANI)
JUDGE