

Form No: HCJD/C-121  
**ORDER SHEET**  
**ISLAMABAD HIGH COURT**  
**ISLAMABAD**

**I.C.A No.334 of 2022**

**Yasir Mehmood**  
Versus  
**Federation of Pakistan, etc**

S.No. of order/ Proceeding	Date of hearing	Order with signature of Judge, and that of parties or counsel, where necessary.
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30-08-2022 Mr. Muhammad Umair Baloch, Advocate for the appellant.

**ATHAR MINALLAH, CJ.-** This appeal is directed against judgment, dated 23.06.2022, whereby the learned Single Judge has dismissed W.P.No.485/2022.

2. The appellant, Yasir Mehmood was one of the petitioners who had invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. The latter was offered appointment against the temporary post of System Incharge in Machine Readable Passport Project on contract basis for a period of three years vide letter, dated 31.12.2004. The terms and conditions were explicitly stated in the said offer letter. The appellant accepted the offer and worked against the project post and has been rendering services for a considerable period. In accordance with the principles and law highlighted in the judgment of this Court reported as **2019 PLC (CS) Note 19** titled "Imran Ahmed and others vs. Federation of Pakistan", the respondent Department

processed the case of the appellant and others for regularizing their services and accordingly the matter was referred to the Federal Public Service Commission (hereinafter referred to as the "**Commission**"). It is the case of the appellant that he should have been considered for regularization against the post in (BPS-18) but the respondent Department has referred his case for consideration against a post in (BPS-17). The constitutional petition was dismissed by the learned Single Judge mainly on the ground that the appointment was on contract basis and not against a post in (BPS-18).

3. We have heard the learned counsel but despite his able assistance, we have not been able to persuade ourselves that the impugned judgment suffers from any legal infirmity. The appellant was not appointed against a regular post in (BPS-18). The terms and conditions offered to him also do not establish his appointment as a BPS employee. The contractual employment was against a temporary post while the emoluments were not in conformity with those of BPS-18. There is no force in the argument raised by the learned counsel for the appellant that since some other employees were recommended to be appointed against posts in (BPS-18), therefore, the appellant should also have been treated at par. The impugned judgment is well reasoned and does not require any interference.

4. For the above reasons, the appeal is without merit and, therefore, accordingly dismissed.

**(CHIEF JUSTICE)**

**(SAMAN RAFAT'IMTIAZ)**  
JUDGE

*Asif Mughal/\**

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