

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
(JUDICIAL DEPARTMENT)

W.P. No. 4100 of 2019

Irshad Ali Ansari

Vs

The Secretary, Establishment Division, Govt. of Pakistan, etc.

| S. No. of order/ proceedings | Date of order/ proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|------------------------------|----------------------------|---|
|------------------------------|----------------------------|---|

|     |                    |   |
|-----|--------------------|---|
| 06) | <u>23-06-2021.</u> | Mr Umar Hanif Khich Advocate, for the petitioner.<br>Syed Muhammad Tayyib, DAG. |
|-----|--------------------|---|

The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 [hereinafter referred to as the "**Constitution**"] seeking a direction to the respondents that he may be considered for promotion to the next higher grade i.e. BPS-20. He has further sought a direction that his promotion be made in accordance with the policies formulated by the Government of Punjab or approved by the Board of Directors of respondent no. 4.

2. The petitioner is a civil servant and the prayers sought in the petition relate to the terms and conditions of his service. It is not the case of the petitioner that he was considered for

promotion and consequently not found fit by the competent forum. The grievance, therefore, is not regarding 'fitness'. The grievance of the petitioner is essentially in respect of his 'eligibility' to be considered for promotion to the next higher grade. The question of 'eligibility' falls within the jurisdiction of the learned Federal Service Tribunal. Reliance is placed on the cases titled "Mian Abdul Malik v. Dr. Sabir Zameer Siddiqui and 4 others" [1991 SCMR 1129], "Muhammad Anis and others v. Abdul Haseeb and others" [PLD 1994 S.C. 539], and "Dr. Ahmed Salman Waris, Assistant Professor Services Hospital, Lahore v. Dr. Naeem Akhtar and 5 others" [PLD 1997 S.C. 382].

3. When confronted with the above, the learned counsel for the petitioner has stated that the latter would pursue the remedies before the competent forums and in accordance with law.

4. The petition, therefore, stands accordingly **disposed of.**

(CHIEF JUSTICE)