

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD. **JUDICIAL DEPARTMENT.**

W.P No.1964/2020.

Wajid Ali Shah

Versus

Pakistan Medical and Dental Council Islamabad through President

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

01. **22.07.2020** **Dr. Attique Tahir, Advocate for the petitioner.**

Through this writ petition, the petitioner has prayed for following relief:-

“Under the circumstances it is, therefore, humbly prayed that this Hon’ble Court may kindly be pleased to:

- a.)direct the Respondent not to take any adverse action/order against the Petitioner.*
- b.)that the salary of the Petitioner along with the arrears may be released forthwith*
- c.)that the Respondent may be restrained from publicizing the position of the Director Finance till the final disposal of this writ petition.*

Any other relief which this Honourable Court deems just and proper may also be awarded.”

2. Learned counsel for the petitioner inter-alia contends that the petitioner was appointed as Director Finance in PM&DC for period of three years through open advertisement on 28.04.2019; that he was selected after detailed process of selection and he joined his duties as Director Finance on 26.07.2019 in PM&DC; that Federal Government promulgated new ordinance Pakistan Medical Commission Ordinance, 2019 on 20.10.2019 and terminated services of the employees of the council; that the matter was assailed before this Court in writ petition No.3800/2019 titled *Sara Arbab Nasir vs. President of Pakistan* reported as *PLD 2020 Islamabad 130* in which new ordinance has been declared ultra vires to the Constitution and fundamental rights of the employees of PM&DC have been protected,

however, during the proceedings of implementation of the said judgment in Crl. Org. the matter was assailed before Apex Court, whereby Apex Court vide order dated 15.04.2020 constituted adhoc council headed by Mr. Justice(R) Ejaz Afzal Khan being its president with other ten members; that despite all these proceedings, salary of the petitioner has not yet been released despite the fact that he was reinstated on his position by this Court.

3. I have heard learned counsel for the petitioner and perused the record.

4. Perusal of the record reveals that the petitioner was appointed as Director Finance in PM&DC on 26.07.2019 under PM&DC Ordinance, 2019 for period of three years and later on Federal Government promulgated new ordinance as Pakistan Medical Commission Ordinance, 2019, which was set aside by this Court vide judgment passed in writ petition No.3800/2019 titled *Sara Arbab Nasir vs. President of Pakistan* reported as **PLD 2020 Islamabad 130** and as such the previous adhoc council notified in **2018 SCMR 1956 (PMDC vs. Fahad Malik)** was restored, however, during the implementation of judgment of this Court in Crl. Org. No.70-W/2020, the matter was assailed by the Ministry of National Health Services, Regulations & Coordination, Government of Pakistan through Crl. Misc. Application No.459/2020 in Criminal Petition No.350/2020, whereby the Apex Court has reconstituted the council headed by Mr. Justice (R) Ejaz Afzal Khan with other ten members. On the direction of the Apex Court, the council was directed to convene its meeting, wherein the council shall appoint registrar of the council and the Secretary Ministry of National Health Services, Regulations & Coordination shall provide full assistance in

convening and holding meetings of the council and as such all the supervisory jurisdiction of the council stands restored for the time being by the orders of Apex Court as such the right to claim salary of the petitioner cannot be resolved better then the PM&DC itself.

4. Learned counsel for the petitioner has been confronted as to whether he approached the respondent council for resolution of his issue, however, no such effort has been demonstrated from the record.

5. In view of above position, the petitioner has not yet been terminated by PM&DC in any manner as reflected from the record as such he is entitled for salary under the law, therefore, instant writ petition is disposed of and converted into representation. Office is directed to transmit copy of this writ petition to PM&DC, who shall consider prayer of the petitioner and decide the matter in accordance with law through speaking order, within period of 30 days from date of passing of this order.

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam