

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

W.P. No.483-2019

Pervez Akhtar

Vs.

Chairman, Pakistan Atomic Energy Commission, Islamabad & Another

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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06.02.2019

Mr. Muhammad Umair Baluch, Advocate for
petitioner.

Through the instant petition, the petitioner has challenged letters/orders dated 02.10.2018 & 22.01.2019, whereby he has been transferred and in case of failure to join the position, initiation of disciplinary action.

2. Learned counsel for the petitioner, *inter alia*, contended that it is a case of hardship, as the children of petitioner are disabled and require personal attention. It was further contended that impugned transfer orders are passed without any justification and are based on malafide. It was further submitted that petitioner has been transferred along with the post which is unprecedented. When confronted regarding maintainability of petition in light of fact that service rules of Pakistan Atomic Energy Commission are non-statutory, learned counsel contended that direction be made for expeditious disposal of departmental appeal.

3. Arguments advanced by learned counsel for the petitioner have been heard and documents, placed on record, examined with his able assistance.

4. The petitioner is aggrieved of his transfer orders dated 02.10.2018 & 22.01.2019.

5. The terms of employment of petitioner are governed under the rules, which are non-statutory. Where such is the position, it is trite law that a petition under Article 199 of the Constitution, is not maintainable.

6. Even-otherwise, transfer and posting is the exigency of employment, hence cannot be interfered with unless it is patently illegal or is otherwise tainted with malafide. The impugned orders do not suffer from any such defect.

7. For the above reasons, instant petition is not maintainable and is accordingly dismissed in limine.

(AAMER FAROOQ)
JUDGE

Zawar