

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

Crl. Org. No.348 of 2015  
Humayun Khan Sikandari  
Versus  
Syed Tahir Shahbaz

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	16.12.2019	Mr. Muhammad Shabbir Bhutta, Advocate for the petitioner. Mr. Muhammad Nadeem Khan Khakwani, learned Assistant Attorney-General. Mr. Mahmood Khan Lakho, Section Officer, Establishment Division.

Through the instant criminal original petition, the petitioner, Humayun Khan Sikandari, seeks the initiation of proceedings for contempt of Court against the respondent, Syed Tahir Shahbaz, who had served as Secretary, Establishment Division.

2. Learned counsel for the petitioner submitted that vide order dated 26.12.2014 passed by this Court in writ petition No.323/2014, this Court held that the disputed questions involved in the said petition could not be addressed in exercise of Constitutional jurisdiction; that this Court had referred the matter to the Secretary, Establishment Division *"for appreciating the issue agitated"* in the said petition and afford an opportunity of hearing to the petitioner; and that the said direction of this Court has been violated by the respondent.

3. On the other hand, learned Assistant Attorney-General submitted that pursuant to the order dated 26.12.2014, Establishment Division had afforded an opportunity of hearing to the petitioner on 05.03.2015; that during the personal hearing, the petitioner said that he would send his representation after consulting a lawyer; that the

letter dated 11.09.2015 from the Establishment Division shows that the petitioner's response was still awaited. Learned Assistant Attorney-General prayed for the contempt petition to be dismissed.

4. I have heard the contentions of the learned counsel for the petitioner as well as the learned Assistant Attorney-General and have perused the record with their able assistance.

5. As far back as 19.12.2015, the respondent brought on record Establishment Division's letter dated 11.09.2015 which shows that on 05.03.2015, the petitioner was afforded an opportunity of personal hearing pursuant to the order dated 26.12.2014 passed by this Court in writ petition No.323/2014. The petitioner attended the hearing but wanted to submit his representation after consulting a lawyer. Since there is nothing on the record that the petitioner had submitted his representation after seeking time for the said purpose, I am of the view that no case for contempt of Court has been made out. Additionally, the respondent (Syed Tahir Shahbaz) is no longer the Secretary, Establishment Division. This is yet another reason why this petition ought to be dismissed.

6. In view of the above, the instant petition is dismissed with no order as to costs.

**(MIANGUL HASSAN AURANGZEB)**  
**JUDGE**