

JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 3602/2018.

Muhammad Bilal

Versus

**Ministry of Petroleum & Natural Resources through its Secretary,
Islamabad, etc.**

Petitioner by: Ms. Tahira Bukhari, Advocate.

Respondents by: Raja M. Aftab Ahmed, AAG.
Mr. Rehan-ud-Din Khan Golra, Advocate.
M. Asif Hussain, Dy. Director Petroleum
Division.

Date of Decision: 18.06.2019.

MOHSIN AKHTAR KAYANI, J:- Through this writ petition, the petitioner has assailed the order dated 23.06.2015, passed by Secretary HDIP, whereby petitioner Muhammad Bilal, Assistant (Admin) Scale-14 was removed from service on the ground of willful/un-authorized absence from duty on account of non performance and mis-conduct in terms of sub rule-1 (b) (iii) of Rule 4 of Government Servants Efficiency & Discipline Rules, 1973.

2. Learned counsel for the petitioner contends that petitioner has not been given due opportunity of hearing as his mother was cancer patient and due to his other responsibilities at home petitioner could not attended the office due to his own illness as well as due to ailment of his parents; that petitioner filed departmental appeal before the Board of Governors of HDIP against the removal order and served different notices upon the respondents for decision on the pending appeal on different dates but the same have not been replied

by the respondents; that petitioner also approached the Federal Service Tribunal, Islamabad vide Appeal No.1971(R)CS/2016, which was dismissed vide order dated 23.04.2018 due to lack of jurisdiction.

3. Keeping in view the above background, it is settled law that remedy of appellate forum has to be exhausted before approaching this Court in terms of Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, therefore, without touching the merits of the case, instant petition stands disposed of with direction to the Director General, HDIP/respondent No.2 to place departmental appeal against removal from service order, filed by the petitioner before the Board of Governors of HDIP to decide the same after hearing the petitioner in accordance with law within a period of 03 months under intimation to this Court.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid