

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

ICA No.429-2018

Dr. Muhammad Yousaf Hayat Khan

Vs.

Pakistan Agricultural Research Council through its Chairman & Another

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	01.11.2018	Mr. M. Shahid Kamal Khan, Advocate for appellant.

This appeal is directed against order dated 08.10.2018 passed by the Judge-in-Chambers, whereby petition under Article 199 of the Constitution filed by the appellant, was dismissed.

2. The facts, leading to filing of instant appeal, are that appellant was an employee of respondent No.1. On 29.12.2014, in disciplinary proceedings, he was imposed minor penalty of recovery of Rs.56,66,946/- for pecuniary loss caused to the government on account of drawing salary from PARC and also performed functions as Consultancy for NHA w.e.f. 14.11.2008 to 04.12.2011. The referred outstanding amount was decided to be deducted from his pensionary benefits. The petitioner challenged the Office Orders dated 15.05.2013, 21.08.2014, 22.12.2014, 21.02.2018 & 04.06.2018 issued by the respondents. The referred orders were challenged by way of a petition under Article 199 of the Constitution (W.P. No.3731-2018), which was dismissed in limine vide the impugned order on account of the fact that respondent No.1 does not have statutory rules of service.

3. Learned counsel for the petitioner, *inter alia*, contended that rules of service of PARC are statutory; that the petitioner has no other adequate remedy; that consultancy, which performed with NHA, was part time.

4. The facts, leading to filing of instant appeal, have been mentioned hereinabove.

5. The Hon'ble Supreme Court of Pakistan, in a recent order dated 11.09.2018 passed in Civil Petition No.2825-2017 titled 'Rashid Mahmood Vs. Federation of Pakistan', upheld the decision of this Court that service regulations of PARC are non-statutory. In light of the said position, the order impugned in the appeal, does not suffer from any error of law and does not call for any interference.

6. For the above reason, instant appeal is dismissed in limine.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zawar

(AAMER FAROOQ)
JUDGE