

Form No: HCJD/C-121  
**ORDER SHEET.**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Criminal Original No.300-W of 2010**  
**In**  
**Writ Petition No.743 of 2010**

Muhammad Hafeez.

VS

Muhammad Ismail Qureshi and another.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
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<b>26.06.2019.</b>	<b>Mr. Muhammad Ikram Ch. Advocate for the petitioner. Raja Khalid Mehmood Khan, learned Deputy Attorney-General. Nadeem Arshad, Section Officer, Establishment Division.</b>
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Through the instant petition, the petitioner alleges violation of order dated 25.02.2010, passed by this Court, in Writ Petition No.743 of 2010.

2. The facts, in brief, are that the petitioner is an employee in Foreign Service of Government of Pakistan. He was aggrieved of his non-promotion and for the said purpose approached the Federal Service Tribunal by way of an appeal [Appeal No.76(R)/CS /2006]. The referred appeal was allowed by the Federal Service Tribunal in the following terms:-

*“4. We have considered the arguments of both the sides. We find that the fact that*

*two of the Appellant's ACR's were missing is not disputed. The addition of these ACRs would thus have had certainly affected his quantification score. Besides, in accordance with the standing instructions of the government, as contained in the ESTA CODE, where the record of an officer was incomplete, such an officer is to be deferred and could not be superseded. The CSB, therefore, erred in superseding the Appellant without taking into consideration his pending ACRs. We, therefore, convert the Appellant's supersession into deferment and direct that the Appellant be considered afresh for promotion, after including his two ACRs which were missing at the time of his consideration for promotion in 2005, with effect from the date of Appellant's juniors were recommended for promotion. The appeal is disposed of accordingly."*

3. The department did not comply with the order, hence petition was filed in the Lahore High Court Rawalpindi Bench, which was disposed of on 25.02.2010 (W.P. No. 743/2010), whereby direction was issued to the respondents to implement the order passed by the learned Federal Service Tribunal in letter and spirit.

4. Learned counsel for the petitioner conceded that the petitioner has been promoted, however, it was submitted that he has been promoted since 2007, whereas his juniors were promoted earlier, hence order of the Federal Service Tribunal has not been complied with in letter and spirit.

5. Learned Deputy Attorney General, *inter-alia*, contended that at the relevant time

when the juniors of the petitioner were promoted, the petitioner had not completed the mandatory training, hence he could not have been promoted at the relevant time. It was further contended that as soon as he completed the training, he was promoted on 27.03.2007.

6. Arguments advanced by learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

7. The grievance of the petitioner that he has not been promoted as directed by the Learned Federal Service Tribunal is inconsequential inasmuch as at the relevant time the petitioner did not have the requisite qualification i.e. completion of mandatory training. The petitioner was promoted as soon as he completed the training, hence the order has been complied with. Since no violation of order is made out, there is no need for proceeding further in the matter, hence, the instant petition is **dismissed**.

**(AAMER FAROOQ)**  
**JUDGE**

M. Zaheer Janjua