

**JUDGMENT SHEET**  
**IN THE ISLAMABAD HIGH COURT,**  
**ISLAMABAD**

**WRIT PETITION NO.3057 OF 2017**

Javed Arif and another

**VERSUS**

Federation of Pakistan and 26 others.

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<b>DATE OF HEARING:</b>	<b><u>16.09.2020.</u></b>
<b>PETITIONERS BY:</b>	<b>Mr. Khurram Ibrahim Baig, Advocate.</b>
<b>RESPONDENTS:</b>	<b>Ch. Muhammad Tahir Mahmood, AAG. Mr. Shahid Mahmood Khokhar, learned ASC for respondents 1 &amp; 2. Ch. Sajid Abdullah, Advocate for respondents 3 to 27. Shumaila Andleeb, respondent No.25 in person.</b>

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**FIAZ AHMAD ANJUM JANDRAN, J.-** Through the instant writ petition, petitioners have impugned Office Order dated 26.10.2007, issued by the respondent No. 2 (*Associated Press of Pakistan Corporation "APP"*), whereby respondents 3 to 26 were appointed as Sub-Editors/ Reporters on Regular Basis in Grade-III in the respondent-Department/APP.

2. The case, setup by the petitioners is that they are officers of APP and the respondents 3 to 26 were appointed in derogation to the Rules/procedure besides requisite qualification as some of them were overage while others have fake degrees, which, not only led to sense of deprivation amongst the legible working in the department but also causing loss to the public exchequer, hence the instant writ petition.

3. Learned counsel for the petitioners placed reliance upon case laws reported as 2014 SCMR 949 and 2013 PLC (CS) 1463.

4. On the other hand, learned counsel for the respondent/department argued that the petition is hit by *laches* as the appointments made in the year 2007 have been challenged in 2017; that the respondent-department got verified the degrees of the private respondents; that this Court earlier in W.P. No 3734/2009 declared the rules of the respondent-department non-statutory, therefore, the instant writ petition is not maintainable.

5. Heard the learned counsels for the parties and examined the record with their able assistance.

6. The main ground made basis to assail the very appointments of private respondents is that they are holding fake degrees. This stance has specifically been repelled by the respondent-department in terms that they have got verified the degrees which have been reported by concerned Boards/Universities to be genuine. In such a situation, the burden shifts to the petitioners to highlight/append documentary proofs regarding such instance but they failed to do so. Even otherwise, in presence of specific denial, the matter becomes disputed question of facts, cannot be adjudicated upon through the instant writ petition.

7. The another important aspect of matter is that a writ of *quo warranto* cannot be issued as a matter of course and the conduct of the petitioner can be looked into as laid down by the Hon'ble Apex Court in the case of "*Ghulam Shabbir V. Muhammad Munir Abbasi and others*" (PLD 2011 Supreme Court 516) as under:-

*"A writ of quo warranto is not issued as a matter of course. The court can and will enquire into the conduct and motive of the petitioner. However, no precise rules can be laid down for the exercise of discretion by the court in granting or refusing the*

*same and each aspect of the case is to be considered. In such cases it is not necessary that the petitioner be an aggrieved person and further that if it is established that the petitioner has approached the court with ulterior motive, mala fide intention etc. relief can be declined.”*

9. In the light of above principle, the conduct of the petitioners cannot be termed to be aboveboard as not only they hail from the same department but are aggrieved of their supersession for which one of the petitioners has filed a writ petition.

10. Moreover, it is necessary to mention that the appointments made way back in 2007 have been questioned through the instant writ petition filed in 2017 i.e. after ten years. The learned counsel for the petitioners was confronted with this aspect during the course of arguments thrice but he remained unable to advance any justification for such delay to approach this Court. Since there is unexplained delay of about ten years, in view of the law laid down by the Hon'ble Apex Court in cases reported as “Khursheed Latif V. Federation of Pakistan” (2010 SCMR 1081), “Ahmed and 25 others V. GHAMA and 5 others” (2005 SCMR 119), “Shahbaz Khan Mohmand V. Islamic Republic of Pakistan” (1975 SCMR 04) and “Muhammad Sadiq and others V. Commissioner, Rawalpindi Division and another” (1973 SCMR 422), the instant writ petition is not proceedable on this score.

11. In view of above, the instant writ petition fails and accordingly dismissed.

(FIAZ AHMAD ANJUM JANDRAN)  
JUDGE

\*A.R.Ansari\*