

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

W.P. No. 3905 of 2018

Mushtaq ur Rehman  
Versus  
Federation of Pakistan, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------	----------------------------	---

12-06-2019 Mr. Muhammad Asif Gujjar, Advocate for the petitioner.  
Mr. Muhammad Nadeem Nasir, Advocate for respondent no.2.  
Syed Muhammad Tayyab, Deputy Attorney General.

Through this petition the petitioner, namely Mushtaq ur Rehman son of Haji Bahadur ur Rehman has sought a direction to respondent no.2 i.e. Sui Northern Gas Pipelines Limited (hereinafter referred to as the "**Company**") to issue his appointment order as Meter Reader. The Head Office of the respondent Company is situated outside the territorial jurisdiction of this Court.

2. The facts, in brief, are that the petitioner asserts that his father was an employee of the Company and that he was eligible in 2003 for appointment against the quota reserved for blood relations of the retired employees. The petitioner

had filed W.P No. 2614/2011 which was disposed of vide order, dated 06.10.2011, whereby respondent no.2 was directed to consider the application of the petitioner. The petitioner filed Criminal Original no. 27-W/2012 which was dismissed vide order, dated 02.02.2015. The petitioner was considered and also interviewed along with other applicants but he could not qualify because he was low on the merit list. The petitioner through this petition has sought direction to respondent no.2 for considering him for appointment as Meter Reader.

3. The learned counsel for the petitioner has been heard at length. It is an admitted position that the petitioner was considered but he could not qualify because he was low on the merit list. There is no force in the argument advanced by the learned counsel for the petitioner that the process initiated by respondent no.2 for selecting candidates for appointment against the quota reserved for blood relations of former employees was not transparent and that a right had accrued in favour of the petitioner in 2003. The petitioner had earlier invoked the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 and pursuant to the direction given vide order,

dated 06.10.2011, he was considered along with other applicants for appointment against the quota reserved for blood relations of former employees. This Court while exercising jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 cannot adjudicate upon disputed questions of fact. The assertion that the committee which had interviewed him along with other applicants had deliberately given him lower marks raises disputed questions of fact. Moreover, the opinion formed by the authority after interviewing the petitioner is not justiciable while exercising jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. Moreover, a writ has been sought against respondent no.2 which has its registered office situated outside the territorial jurisdiction of this Court.

4. For what has been discussed above, this petition is devoid of merits and not maintainable and, therefore, accordingly dismissed.

**(CHIEF JUSTICE)**