

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

Writ Petition No.4022 of 2019

Hafiz Amir Hayat Khan and another.

Vs

Federation of Pakistan, through Secretary, Ministry of Energy (Petroleum Division), Islamabad and 02 others.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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21.11.2019.	Mr. Tariq Muhammad Khan Marwat, Advocate for the petitioners.
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Through the instant petition, the petitioners have challenged advertisement / publication dated 26.10.2019.

2. Learned counsel for the petitioners, *inter-alia*, contended that the publication/advertisement made by respondents No.2 and 3 is against the law and the relevant rules. When inquired from the learned counsel as to the *locus standi* of the petitioners, it was contended that the petitioners are Assistant (Accounts Section) working with respondents No.2 and 3.

3. Arguments advanced by learned counsel for the petitioners have been heard and the documents placed on record examined with his able assistance.

4. The petitioners, in the instant petition, have made the following prayers:-

“In these circumstances, it is, therefore, most humbly prayed that the writ petition may kindly be accepted and following relief may kindly be awarded to the petitioners as against the respondents:

- i. The impugned advertisement/publication dated 26.10.2019 may very graciously be ordered to be declared as illegal, unlawful, arbitrary, ultra vires, unconstitutional, ab-initio void, non-est and having no legal effect in the eye of law.*
- ii. The respondents may be directed to act in accordance with law and the proceedings of the Appointment/Recruitment in absence of the approval accorded from the competent authorities and in negation of the Rules, Revised Personnel Sectioned Strength of HDIP may be declared as ultra vires to the Constitution and the principles enunciated by the august Court on the subject, hence, the same may be declared illegal, unlawful, arbitrary, ultra vires and of no legal effect.*
- iii. The respondents may be directed to again initiate the recruitment process strictly in accordance with law and the rules made thereunder and to first fulfill the post of General Manager/the competent authority to accord approval for appointments/recruitments and then to public the advertisement strictly in accordance with law and on merits.*
- iv. The operation of the impugned advertisement may be suspended till final decision of the instant writ petition and the respondents may be restrained from transferring/posting the petitioners, interfering into their official services, or from doing any other act detrimental to the legitimate rights of the petitioners in any manner whatsoever.*
- v. Any other writ, direction or relief which this Honorable Court deems fit and proper for the vindication of grievances aforesaid may also be awarded to the petitioner.”*

The bare perusal of the advertisement shows that in the same various positions have been advertised for the appointments. Learned counsel failed to point out any specific

discrepancy or illegality in the advertisement. Moreover, the petitioners are Assistant (Accounts Section) and do not have any *locus standi* to challenge the position of the Law Officer or even the Manager. It seems that in the garb of challenging the advertisement, the petitioners are seeking a restraining order or a writ preventing their transfer as is borne out from the prayer; the referred relief as such cannot be granted as it is vague and no specific averment has been made in this behalf. Even otherwise, no violation of any rule/law has been pointed out and the submissions made during the course of arguments and even the averments made in the writ petition are general and vague.

5. In view of the above, the instant petition is without merit and is accordingly **dismissed** in *limine*.

(AAMER FAROOQ)
JUDGE

M. Zaheer Janjua