

**ORDER SHEET.**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Writ Petition No.2050/2019.**

Liaqat Ali

Versus

Federation of Pakistan through Secretary, M/o Interior, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	27.05.2019.	Mr. Muhammad Anwar Dar, Advocate for petitioner.

Through this writ petition the petitioner has prayed for issuance of direction to the respondents to re-instate the petitioner in service with effect from the date of his termination in compliance of the order passed by the appellate authority.

2. Learned counsel for the petitioner *inter-alia* contends that petitioner was appointed as Intelligence Supervisor (BPS-16) in Frontier Corps (FC) Intelligence Unit w.e.f. 23.07.2010 on yearly contract, which was further extended from 31.10.2011 to 30.10.2012 but his service was terminated vide telegram dated 30.11.2012; that petitioner filed an appeal before the Appellate Authority i.e. respondent No.1, which was dismissed vide order dated 07.01.2014, however, in compliance of order dated 04.02.2016, passed by this Court in W.P No.2711/2014, Appellate Authority of Ministry of Interior has reinstated the petitioner into service but till date he has not been given any posting.

3. Arguments heard, record perused.

4. Perusal of record reveals that petitioner claims

that he was appointed on contract basis w.e.f. 23.07.2010 and his contract was extended upto 30.11.2012, whereafter he was terminated from service and later on his appeal was also dismissed by Ministry of Interior but in compliance of this Court order dated 04.02.2016, passed in W.P No.2711/2014, petitioner was reinstated into service vide order 05.12.2017, passed by Secretary Ministry of Interior being Appellate Authority.

5. I have confronted the learned counsel for the petitioner regarding maintainability of instant writ petition as no writ is maintainable against the contract appointment, whereby he contends that petitioner's service has been regularized, however, petitioner has failed to demonstrate regularization of his service on record. Even otherwise, posts for BPS-16 and above can only be filled through competitive process by the FPSC and as such petitioner has not been appointed through any such process of advertisement, test and interview and petitioner has failed to demonstrate any of his legal right. It is trite law that contract employee could not press for reinstatement into service and remedy under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 is not available to him.

6. Keeping in view the above background, order of the appellate authority seems to be without any reasonable consideration and as such it is in conflict with the Civil Servant Act, 1973, therefore, while considering the recent judgment passed by the Division

Bench of this Court in ICA No.340/2017 (Imran Ahmed & others Vs. Federation of Pakistan, etc.) as well as 2019 SCMR 648 (Qazi Munir Ahmed Vs. Rawalpindi Medical College and Allied Hospital), instant petition is not maintainable and the same is hereby dismissed in limine.

(MOHSIN AKHTAR KAYANI)  
JUDGE

Zahid