

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No.3270/2019.

Israr Ahmed etc.

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.
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01.	27.09.2019	Mr. Muhammad Imran and Mr. Hafeez-ur-Rehman, Advocates for the petitioners.
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Through the instant writ petition, the petitioners have made following prayer:-

“In the light of above mentioned circumstances, it is most graciously prayed that the instant petition may kindly be accepted in the following terms:-

a. The respondent No.2 may kindly be directed to re-fix seniority of the petitioners alongwith their batchmates, as if the petitioners were never relieved from ICT Police in compliance of the judgment of honorable Supreme Court of Pakistan.

b. The convening/conducting of DPC for promotion of DSPs without including names of the petitioners for consideration may kindly be declared as illegal, unlawful, violative of rights of the petitioners and even contemptuous towards orders of honorable Supreme Court of Pakistan.

c. The respondents may kindly be restrained to issue notification in pursuance of illegal and unlawful conduct of DPC for the post of DSPs on 20.09.2019 till final outcome of this writ petition.”

Any other relief which this august court deems fit and appropriate may also be granted to the petitioners in best interest of justice and fair play.

2. Learned counsel for the petitioners contends that the petitioners were initially appointed as ASIs in Islamabad Capital Police; that in the year 1999 services of the petitioners were placed at disposal of National Highways & Motorway Police and later on the petitioners were absorbed; that the petitioners were

promoted to the rank of DSP, however in compliance of judgment of Apex Court reported as *2015 SCMR 456*, the petitioners were repatriated to their parent department Islamabad Capital Police; that after repatriation the question of the seniority of the petitioners has not been settled in compliance of direction of Apex Court; that an appeal was filed by the petitioners and other batch mates before IG, Islamabad Capital Police for seniority and promotion on 23.07.2019 but the same has not yet been decided.

3. Learned counsel for the petitioners has been confronted qua maintainability of instant writ petition as the entire issue revolves around the question of seniority and promotion of the petitioners, whereupon he contends that the petitioners were repatriated in compliance of judgment of Apex Court, therefore, respondents are under obligation to settle the question of seniority of the petitioners, which can only be dealt under the Constitutional jurisdiction.

4. While considering the above interpretation, I am not convinced by the explanation of learned counsel for the petitioners as the question of seniority and promotion relates to terms and conditions of service, which falls within purview of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, whereby jurisdiction of High Court has been barred in service matters. Reliance is placed upon *2009 SCMR 61 (Secretary to Government of the Punjab Health Department, Lahore and others vs. Dr. Abida Iqbal and another)* and *2015 SCMR 253 (National Assembly Secretariat vs. Manzoor Ahmed)*.

5. For what has been discussed above, instant writ petition is not maintainable, therefore, the same is hereby **dismissed in limine.**

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam