

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

W.P No.592-M/2021

*Habib-ur-Rahman and ten others Vs. Federation of Pakistan through
Secretary Finance at Islamabad and others.*

Present: *Syed Abdul Haq and Mr. Abdul Qayum, Advocates for
petitioners.*

Mr. Iftikhar Ahmad, D.A.G for Federation.

Mr. Kashif Zaman, Advocate for Respondent/ Bank.


Date of hearing: 13.12.2023

JUDGMENT

MUHAMMAD NAEEM ANWAR, J.-Through this single judgement in the instant petition, we intend to decide this as well as connected W.P No.593-M/2021 titled "Akbar Zaman and others Vs. Federation of Pakistan through Secretary Finance at Islamabad and others" and W.P No.594-M/2021 titled "Zeeshan Ahmad and others Vs. Federation of Pakistan through Secretary Finance at Islamabad and others" as a common question of law and facts is involved in all these petitions.

02. Relevant facts are that the petitioners of all these petitions have earlier approached to this Court through Writ Petitions No.1149-M.2018, No.788-M/2018 , and No.98-M.2019 for regularization of their services being based upon the judgments of this Court dated 21.11.2019, 04.03.2020 & 22.09.2020, with contention that they deserve similar treatment like their other colleagues. Their writ petitions were resisted by the respondents, however, same were allowed by this Court on 29.09.2020 through

consolidated judgment in W.P No.1149-M/2018, wherein it was held that "in light of what has been discussed above, all these connected petitions are allowed to the effect that petitioners shall be treated as regular employees of the Bank for all intents and purposes". For implementation of the judgement of this Court, some of the petitioners filed C.O.Cs No.76, 77 & 78-M/2020, during pendency of which, on 24.02.2021, provisional appointment orders of the petitioners were submitted before the Court pertaining to regularization of the services of the petitioners, as such, on 24.02.2021 the applications submitted for contempt of Court proceedings were disposed of, leaving the petitioners at liberty to avail all other remedies, permissible under the law. The services of the petitioners were regularized by the respondents in compliance with the judgments/ orders of this Court dated 29.09.2020 in W.P No.1149-M/2018 etc. and dated 24.02.2021 in C.O.C No.76-M/2021 etc. but from the date of judgment in writ petitions dated 29.09.2020. The petitioners, being aggrieved from the date of their regularization, have once again approached to this Court through these petitions, with the prayer that their services may be regularized from the date of their initial appointments.

 **03.** Respondents were directed to submit their parawise comments wherein it was contended that since the Civil Petition for Leave to Appeal (CPLA) has been filed against the judgment of this Court, which is still pending adjudication before the apex Court, as such, though the petitioners were regularized but from the date of

judgement and that too shall be subject to the decision of the apex Court in the pending CPLA.

04. Arguments heard and record perused.

05. It appears from the record that at the time of the decision of Writ Petitions of the petitioners bearing No. 788-M/2018 etc. through consolidated judgment in W.P No.1149-M/2018 dated 29.09.2020, this Court was apprised that the colleagues of the petitioners have approached to this Court and this Court has allowed their writ petitions on 21.11.2019, 04.03.2020 & 22.09.2020, whereby the respondents were directed to regularize their services from the date of their initial appointment and judgment of this Court was assailed before the apex court through Civil Appeals No. 1340 to 1342 of 2014 but same were dismissed, against which, a review petition was also filed and the same was dismissed by the apex Court. This fact has not been denied by the respondents. It has also not been disputed by them that other colleagues of the petitioners, whose writ petitions were allowed by this Court, have been regularized from the date of their initial appointments within the purview of the judgments of this Court. It has also not been refuted by the respondents that case of the petitioners is at par with those of the petitioners whose writ petitions were allowed by this Court for regularization of their services from the date of their initial appointment. This Court after hearing the parties has held that the petitions are allowed to the effect that the petitioners shall be treated as regular employees of the Bank for *all intents and purposes*. The operative part of the judgement of this court is self-speaking, clear,

lucid, open only to one interpretation and free from any ambiguity that the petitions were allowed keeping in view the decision of this Court in earlier round on the ground that similarly placed persons should be treated alike.

06. The contention of learned counsel for the respondent/Bank is that since their CPLA is still pending adjudication before the apex Court against the judgment of this Court, therefore services of the petitioners were regularized from the date of the judgment dated 29.09.2020. No doubt, that CPLA is pending adjudication before the apex Court and the judgement passed by this Court in the earlier round of litigation is subject to the decision of the apex Court, whatever it may be, but the petitioners, who were sailing in the same boat along with others colleagues whose services were regularized from the date of their initial appointments and this Court in its judgment has held that their petitions are allowed *for all intents and purposes*, which refers that on the ground of similar treatment in juxtaposition with Article 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973 the writ petitions were allowed by this Court. Last submission of the learned counsel for the respondent/bank was that this Court has never directed the respondents to regularize the services of the petitioners from the date of initial recruitment, suffice is to say that the term for all intent and purposes is defined in Concise Oxford Dictionary Twelfth Edition as attentively occupied with, showing earnest and eager intention, for all important respects. According to Collins Dictionary, a situation is not exactly as you describe it, but the effect is the same as if it were.

It was defined as in almost every respect; practically; virtually. For all practical purposes/to all intents and purposes. Osborn defined as to say that one thing has the same effect or result as something else.

In the case of "Messrs Rajby Industries Karachi and others Versus Federation of Pakistan and others" (2023 SCMR 1407), it was observed by the Hon'ble Supreme Court that *"this turn of phrase, for all intents and purposes invests powers in the legislature to set down any provision which may have an overriding effect on any other legal provision under the same law or any other laws, being a legislative apparatus and method of conferring overriding effect over the law or provisions that qualifies such clause or section of law."*

In the case of "Rai Muhammad Riaz (decd) through L.Rs. and others Versus Ejaz Ahmed and others" (PLD 2021 SC 761), it was held by the apex Court that *"strictly speaking and on the basis of principles of law laid down by this Court in Muhammad Arshad & Co v. Zila Council (2006 SCMR 1450), it is settled law that where revival of the suit is based upon a conditional order and such condition is not fulfilled by the Applicant, for all intents and purposes the suit does not get restored"*. Thus, the term for intents and purposes is used in the meaning for all practicable purposes, as already settled and held by the Court for implementation. Reliance may be placed on the cases of Dr. Iqrar Ahmad Khan Versus Dr. Muhammad Ashraf and others (2021 SCMR 1509) & Mudasir Nazar and 35 others Versus Bank of Khyber through M.D. Peshawar and 3 others (2022 PLC(CS) 668).

07. The respondents have not been able to distinguish the case of petitioners, from those colleagues of the petitioners whose petitions were allowed by this Court and their services were regularized from the date of their initial appointments, therefore, the present petitioners also deserve similar treatment.

08. Thus, for the reasons discussed above, these petitions are allowed as prayed for, with no order as to cost.

Announced
13.12.2023



JUDGE



JUDGE

Office
10/12/2024
SABZ ALI*

(D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR
HON'BLE MR. JUSTICE SHAHID KHAN