JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.No.4443 of 2019
Adnan Jahangir Abbasi and others
Versus
Federation of Pakistan and another

Date of Hearing: 08.03.2021
Petitioners by: M/s Hazrat Younas and Aasim Abdul Qayyum, Advocates
Respondents by: Mr. Khurram Mahmood Qureshi, Advocate, Mr. Muhammad Nadeem Khan Khakwani, learned Assistant Attorney-General, Mr. Abdur Rehman, Assistant Director (Law), E.O.B.I.

MIANGUL HASSAN AURANGZEB, J:- Through the instant writ petition, the petitioners seek a direction to respondent No.2, Chairman, Employees Old Age Benefit Institution to complete the recruitment process initiated through the advertisement dated 18.06.2017.

2. Learned counsel for the petitioners submitted that after the judgment dated 17.03.2014 passed by the Hon'ble Supreme Court of Pakistan in Constitution Petition No.06/2011, the Employees Old-Age Benefits Institution ("**E.O.B.I.**") started the recruitment process against various posts through advertisement dated 18.06.2017; that written tests were conducted through the National Testing Service; that thereafter, the successful candidates were supposed to be called for an interview; that on account of the injunctive order passed by this Court in writ petition No.2595/2017, the recruitment process was halted; that during the pendency of the said writ petition, the position taken by the E.O.B.I. was that the recruitment process could not be completed due to the injunctive order passed by this Court; that subsequently, vide order dated 06.02.2019, the said writ petition was dismissed; that since there was no injunctive order in the field, the E.O.B.I. was under an obligation to complete the recruitment process initiated through advertisement dated 18.06.2017; and that the petitioners have learnt that the E.O.B.I. is taking steps to scrap the recruitment process initiated through the said advertisement.

3. Learned counsel for the petitioners further submitted that since the petitioners had not appeared in any interview, they do not have a vested right to be appointed against the posts advertised on 18.06.2017, but they do have the legitimate expectancy for the process initiated through the said advertisement to be taken to its logical conclusion. Learned counsel for the petitioners prayed for the writ petition to be allowed in terms of the relief sought therein.

4. On the other hand, learned counsel for the respondents submitted that it would not be appropriate for the recruitment process initiated through advertisement dated 18.06.2017 to be continued after a delay of more than three and a half years; that during this period numerous candidates with the requisite qualifications have become eligible to participate in a fresh competitive process for appointment against the advertised posts; that several candidates who had cleared the written test in the year 2018 may have been employed elsewhere or become ineligible for appointment; that it would be in the interests of justice to consider the fresh blood for appointment against the advertised posts; that since the petitioners had not been called for an interview, they cannot seek to stop a fresh competitive process for appointment in E.O.B.I.; and that the petitioners with requisite qualifications and credentials are at liberty to apply in response to a fresh advertisement. Learned counsel for the E.O.B.I. prayed for the writ petition to be dismissed.

5. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

6. Indeed the petitioners participated in the competitive process pursuant to the advertisement dated 18.06.2017 and had cleared the written test conducted through the National Testing Service. It is, however, an admitted position that the petitioners had not been called for an interview, and the recruitment process was halted due to an injunctive order passed by this Court writ petition No.2595/2017 which was dismissed by this Court vide order dated 06.02.2019. Instead of proceeding further with the recruitment process initiated through advertisement dated 18.06.2017, the

E.O.B.I. preferred to initiate a fresh recruitment process so that candidates who attained the requisite qualifications in the past three and a half years could also participate in the fresh recruitment process.

7. Since the E.O.B.I. had not interviewed the petitioners or taken a decision to appoint them, no vested rights were created in their favour. The mere passing of a written test does not give a legitimate expectation to a candidate to be appointed against an advertised post. The delay in the recruitment process was due to an act of the Court and cannot be attributed to the E.O.B.I. The decision of the E.O.B.I. to initiate a fresh recruitment process in which the petitioners would also be given a chance to compete, in my view, does not suffer from any legal infirmity. Since the posts which were required through the Hon'ble Supreme Court's order dated 17.03.2014 to be filled through a competitive process have remained vacant for several years, it is expected that the fresh recruitment process would be initiated at the earliest and completed within a period of three months from the date hereof.

8. In view of the above, the instant petition is dismissed.

(MIANGUL HASSAN AURANGZEB)
JUDGE

ANNOUNCED IN AN OPEN COURT ON 12/03/2021

(JUDGE)

Qamar Khan*