Form No: HCJD/C-121
ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

ICA No. 18/2022

Gohar Rehman
Vs.
Mr. AfzalLatif, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	20.01.2022	Mr. Muhammad Ramzan Khan learned ASC.

This Intra Court Appeal is arising out of order dated 22.11.2021, passed by the learned Single Judge in-Chambers, whereby Criminal Original No.140 of 2021, filed by the appellant for implementation of Judgment dated 17.10.2017 passed in WP 1106/2017 and order dated 16.10.2020 passed in Crl. Org. 193/2018, was dismissed.

2. Relevant facts are that the appellant filed Writ Petition No. 1106 of 2017 with the contention that he is son of late Ms. Shazia Ghouri, an employee of the Pakistan Health Research Council ("**respondent-department**") but has not been extended benefit under the Prime Minister Assistance Package("**Package"**)in accordance with O.M dated 20.10.2014, instead his appointment as a regular employee, UDC, was converted to contract employment.

3. The writ petition of the appellant along with other writ petitions was decided through consolidated judgment dated 17.10.2017 wherein vide Paragraph-13 it has been observed that the appellant Gohar Rehman, son of deceased Ms. Shazia Ghouri, has not yet been given the benefit of employment as held in the Prime Minister Assistance Package therefore, concerned

department was directed to accommodate the appellant as per the terms of Package, 2014 within a period of six months.

4. The appellant then filed Criminal Original No. 193/2018 for the implementation of Judgment dated 17.10.2017 which was disposed of with direction to the Secretary, Ministry of National Health Services Regulations & Coordination, Islamabad, Controlling Ministry, of the Pakistan Health Research Council (PHRC) to consider the status of deceased employee ‘’Ms. ShaziaGhouri’’ as to whether her case falls under the Civil Servants Act, 1973, and whether the Packageis applicable to the employees of respondent-department under PHRC Act, 2016, if so, matter may be referred to the Board of Governors of respondent-department for approval to implement the decision of this Court in accordance with law.

5. According to the appellant, the directions contained in the judgment dated 17.10.2017 and in order 16.10.2020 were not complied with by the respondent-department. He then filed second Criminal Original No. 140/2021 which was dismissed with observations that thePackage is not applicable to the employees of respondent-department and that an Autonomous Body could not be forced to adopt the Package. It was concluded that the Package is not applicable to the appellant nor to his mother i.e. ShaziaGhouri since deceased, therefore, benefits, if at all, could not be extended to the appellant.

6. It has been further observed by the learned Single Judge in-Chambers that the respondent-department has rightly removed the services of the appellant from his department, which was extended to him under the Package and the contempt petition was dismissed.

7. Heard, record examined.

8. The brief facts, highlighted above, show that directions were passed to the respondent department vide order dated 16.10.2020 to consider as to whether case of deceased employee ‘’Ms. Shazia Ghouri’’ falls under the Civil Servants Act, 1973 and whether the Package is applicable to the employees of respondent-department.

9. Pursuant to the direction, respondent-department considered the case of late “Ms. Shazia Ghouri” the mother of the appellant and vide decision dated 04.12.2020 it was concluded that the mother of the appellant was a temporary employee as Superintendent BPS-16 in a project at PMRC Research Centre, Al-Shifa Eye Hospital, Rawalpindi; that the post of Superintendent (BS-16) in PMRC/PHRC falls 100% in promotion quota; that the direct appointment against the said cadre post was irregular and in violation of the rules; that the respondent-department is an autonomous organization and that its employees are not civil servants, therefore, the Package is not applicable to them.

10. Furthermore, the report of Establishment Division is also part of record wherein it is mentioned that the respondent-department is an autonomous body under the administrative control of the National Health Services, Regulation and Coordination Division; that the Package is applicable to the regular government servants of the Federal Ministries/Divisions/Attached Departments and the benefits of the Package are only applicable to family of the respondent-department if it has adopted the said Package as per their Act/Law.

11. The learned Single Judge in-Chambers after considering all the aspects of the case has concluded that the said Package is neither applicable to the appellant nor to his (late) mother who was employee of

an autonomous body thus could not be forced to adopt the Package.

12. In view of above, the appellant has not been able to make out a case for interference in the impugned order dated 22.11.2021 of learned Single Judge in Chambers. The instant appeal is **dismissed in limine.**

(MIANGUL HASSAN AURANGZEB)
JUDGE

(ARBAB MUHAMMAD TAHIR)
JUDGE

A.R ANSARI