JUDGMENT SHEET.
ISLAMABAD HIGH COURT, ISLAMABAD,
JUDICIAL DEPARTMENT.

Writ Petition No.3280 of 2026

Professor Dr. Muhammad Zeeshan Danish

Vs.

Secretary to the Government of Pakistan, Cabinet Secretariat Establishment Division and others

Petitioner by:	M/s. Shah Khawar and Babar Hayat Samore, Advocates along with the petitioner in person.
Respondents by:	Hafiz Arfat Ahmed Ch., M/s Tariq Zaman Ch., Barrister Ali Shaharyar and Farooq Ahmed, advocates for respondent No.3.
	Mian M. Faisal Irfan, learned Deputy Attorney-General along with Jan Muhammad, S.O. Ministry of Poverty Alleviation, Shoaib Razzaq, S.O. and Mansoor Ahmed, Superintendent, Estab. Division.
Date of Hearing:	**16.07.2026.**

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INAAM AMEEN MINHAS, J.- Through the instant writ petition, the petitioner, Professor Dr. Muhammad Zeeshan Danish, has called in question Notification dated 20.05.2026 issued by the Establishment Division, whereby he was repatriated, with immediate effect, to his parent department, namely the Government of the Punjab.

2. Mr. Shah Khawar, Advocate/learned counsel appearing on behalf of the petitioner, while adverting to the factual background and the sequence of events culminating in the institution of the present

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writ petition, contended that the petitioner's services were initially requisitioned on deputation for a period of two years; however, to his utter surprise, he was prematurely repatriated to his parent department before expiry of the deputation tenure. He argued that the impugned Notification does not disclose any reason for such premature repatriation, nor was any prior notice or opportunity of hearing afforded to the petitioner before its issuance. Learned counsel further submitted that the impugned action has been taken in a slipshod manner and is tainted with mala fides. He maintained that, having been deputed for a fixed tenure of two years, the petitioner had a legitimate expectation to continue for the said period and could not be repatriated prematurely without any lawful justification. It was contended that had the petitioner been permitted to complete the prescribed deputation tenure, he would have had no grievance regarding his repatriation thereafter. Learned counsel further argued that the impugned order is arbitrary, unreasonable and violative of the principles of fairness and due process, which have consistently been emphasized and protected by the superior Courts. Lastly, it was submitted that the respondents' actions are without lawful authority and offend the guarantees enshrined under Articles 4, 9 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973.

3. Conversely, Hafiz Arfat Ahmed Ch., Advocate/learned counsel appearing on behalf of Pakistan Bait-ul-Mal/respondent No.3, while responding to the submissions advanced on behalf of the petitioner and referring to the relevant statutory framework governing deputation, contended that although the petitioner's services had initially been requisitioned on deputation for a period of two years,

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the borrowing department retained the absolute administrative discretion to repatriate a deputationist at any stage whenever his services were no longer required or the exigencies of service so warranted. He submitted that deputation is, by its very nature, a temporary arrangement made in the interest of public service and does not create any vested, accrued or indefeasible right in favour of the deputationist to continue till the expiry of the deputation tenure. Learned counsel argued that it is a settled proposition of service jurisprudence that a deputationist serves at the pleasure of the borrowing department and cannot insist upon completion of the deputation period as a matter of legal right, nor can such employee be forced upon the borrowing organization against its administrative requirements.

4. It was further contended that the petitioner's services had merely been requisitioned as a stop-gap arrangement to meet an immediate administrative necessity, and once the competent authority formed the opinion that his services were no longer required, it was fully competent to repatriate him to his parent department without assigning elaborate reasons. Learned counsel maintained that premature repatriation of a deputationist neither amounts to a penalty nor visits the employee with any civil consequences so as to attract the principles of natural justice or necessitate issuance of a prior show cause notice or opportunity of hearing. He further argued that the impugned Notification was issued by the competent authority strictly in accordance with the applicable rules, policy governing deputation, and the terms and conditions regulating the petitioner's deputation, and, therefore, suffered from

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no legal infirmity. It was lastly submitted that the petitioner had failed to demonstrate any element of mala fides, arbitrariness or violation of any statutory provision or constitutional guarantee, as mere premature repatriation from deputation does not furnish a cause of action for interference in the constitutional jurisdiction of this Court. In advancing his arguments, he placed reliance on the judgments reported as "2014 SCMR 799, 2014 SCMR 801, 2010 SCMR 378, 2023 PLC (C.S.) 826, 2024 PLC (C.S.) 1411, 2022 PLC (C.S.) 1209 and 2022 PLC (C.S.) 135".

5. Arguments heard. Record perused.

6. A careful perusal of the record reveals that Pakistan Bait-ul-Mal (**"PBM"**), through letter dated 02.05.2025, requested the Services and General Administration Department, Government of the Punjab ("S&GAD"), to place the services of the petitioner at its disposal on deputation. Pursuant thereto, the competent authority in the S&GAD accorded approval for issuance of a No Objection Certificate in favour of the petitioner through the Higher Education Department, Government of the Punjab. Consequently, the Establishment Division, vide Notification dated 16.05.2025, placed the services of the petitioner at the disposal of the Ministry of Poverty Alleviation and Social Safety, Islamabad, for his further posting in PBM as Director General (BS-21) on deputation. In pursuance of the said Notification, the petitioner assumed charge of his assignment on 27.05.2025. Thereafter, vide Notification dated 22.07.2025, he was posted as Director General (Projects), Head Office, PBM. However, before completion of the deputation tenure, the Establishment Division, through the impugned Notification dated 20.05.2026, repatriated the

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petitioner to his parent department i.e. the Government of the Punjab, with immediate effect. Aggrieved by the said action, the petitioner instituted the present writ petition on 06.07.2026, assailing the legality of the impugned Notification, whereupon this Court, vide order dated 08.07.2026, granted interim relief in his favour.

7. Since the controversy in the present case centres around Notification dated 16.05.2025, whereby the services of the petitioner were placed at the disposal of respondent No.2 for his onward posting in PBM on deputation, and the determination of the issues involved is intrinsically linked to the terms and tenor thereof, the said Notification, being of pivotal significance, is reproduced hereunder in extenso:

"TO BE PUBLISHED IN THE NEXT ISSUE
OF THE GAZETTE OF PAKISTAN, PART-L

No. 1/198/2025-E-4
GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

Islamabad, the 16th May, 2025

NOTIFICATION

Dr. Muhammad Zeeshan Danish, Professor (BPS-21), University of the Punjab, Lahore, Government of the Punjab, is transferred and his services are placed at the disposal of Ministry of Poverty Alleviation and Social Safety, Islamabad, for further posting in Pakistan Bait-ul-Mal as Director General, by upgrading the post from BPS-20 to BPS-21, personal to him, for a period of two (2) years or till the availability of a regular incumbent as per rules, whichever is earlier, on deputation basis on standard terms and conditions with immediate effect and until further orders.

-Sd-
Section Officer to the
Government of
Pakistan."

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8. A careful examination of the Notification dated 16.05.2025 reveals that the petitioner's deputation was not intended to continue unconditionally for a fixed period of two years. Rather, it was expressly made subject to three distinct contingencies, namely; (i) a tenure of two years; (ii) the availability of a regular incumbent in accordance with the applicable rules, whichever occurred earlier; and (iii) further orders of the competent authority. Thus, the tenure of deputation was inherently conditional and liable to be curtailed upon the occurrence of any of the aforesaid contingencies.

9. The record now unmistakably demonstrates that the condition relating to the availability of a regular incumbent has, in fact, materialized. It has been brought on record that Ms. Shabana Rehman was promoted to the post of Director General (BS-20) vide Notification dated 17.06.2026 and, thereafter, was assigned the charge of Director General (Projects) through Office Order dated 06.07.2026 issued by the PBM. Consequent upon the posting of the regular incumbent, the petitioner was, through a separate Office Order of the same date, relieved from PBM with the direction to report to his parent department. It is also an admitted position that despite his repatriation, the petitioner has not reported to his parent department to resume his duties.

10. In these circumstances, once a regular incumbent had assumed charge of the very post against which the petitioner had been serving on deputation, the continuance of the petitioner on the said post became legally and administratively untenable, as two officers cannot simultaneously hold charge of one and the same sanctioned post. Furthermore, the record reflects that the petitioner is substantively

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serving as a Professor at the University College of Pharmacy, University of the Punjab, Lahore. His lien admittedly continues with his parent department, where his services are of considerable academic significance. In such circumstances, his repatriation to his parent department cannot, by itself, be regarded as arbitrary, unlawful or contrary to the governing terms of deputation.

11. It is by now a well-settled principle of service jurisprudence, consistently recognized and reaffirmed by the superior Courts, that a deputationist does not acquire any vested, accrued or indefeasible right to continue in the borrowing department for the entire period of deputation. Deputation is, by its very nature, a temporary administrative arrangement undertaken in the interest of public service and remains subject to the exigencies of administration as well as the discretion of the competent authority. Equally well settled is the proposition that a deputationist cannot be thrust upon the borrowing department against its wishes or administrative requirements. Consequently, a deputationist is not necessarily entitled to complete the tenure for which he was initially sent on deputation, and the competent authority is legally empowered to repatriate such officer to his parent department at any stage, if the circumstances so warrant, without assigning any reason, unless the governing statutory rules or the terms of deputation expressly provide otherwise.

12. In the case of **Dr. Shafi-ur-Rehman Afridi Vs. CDA, Islamabad (2010 SCMR 378)**, it has been held by the Hon'ble Supreme Court of Pakistan that the provisions of the Civil Servants Act, 1973, the Rules framed thereunder, as well as the Estacode, are conspicuously silent

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on any requirement that a deputationist must necessarily serve the entire period of deputation. The august Court observed that such legislative silence appears to be deliberate, thereby preserving the discretion of the competent authority to utilize the services of a government servant in such manner as the exigencies of administration may warrant. It was further held that the period of deputation merely signifies the outer or maximum limit of deputation, which may, depending upon administrative necessity, either be curtailed or extended by the competent authority. Consequently, a deputationist does not acquire any legal, vested or enforceable right to continue in the borrowing department until the expiry of the stipulated deputation period. The Hon'ble Supreme Court further held that a deputationist cannot be regarded as an "aggrieved person" merely because he has been repatriated from the borrowing department, as no vested, accrued or enforceable right inheres in a deputationist to continue against a deputation post either indefinitely or for the entire tenure stipulated in the notification of deputation. Rather, a deputationist remains liable to be repatriated to his parent department at any stage in accordance with the administrative exigencies and at the discretion of the competent authority.

13. Likewise, in the case of **Mst. Robia Ayub Vs. Federation of Pakistan (2013 PLC (C.S.) 915)**, it has been held by this Court that a deputationist cannot insist upon remaining on deputation either indefinitely or even for the stipulated period according to his or her own whims and wishes. The Court held that a civil servant does not acquire any vested or enforceable right to complete the period of deputation, as deputation pertains to the terms and conditions of

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service and remains subject to the discretion of the competent authority. It was further held that the borrowing department, being vested with the exclusive authority to regulate matters relating to deputation, is fully competent to repatriate a deputationist to the parent department at any stage whenever the exigencies of service so require.

14. The contention of the petitioner that, on account of his outstanding academic credentials, including a Ph.D. degree from a university in the United Kingdom and more than twenty-three years of professional experience, he was entitled to continue on deputation for the entire period stipulated in the notification, is equally devoid of legal substance. His academic qualifications and professional accomplishments, commendable though they may be, cannot place him on a different legal footing or confer upon him any vested or enforceable right contrary to the settled principles governing deputation. In **Pakistan Vs. Fazal Rahman Khundkar (PLD 1959 SC 82), S. Masood Abbas Rizvi Vs. Federation of Pakistan (2014 SCMR 799), Abdul Majeed Vs. Chief Secretary, Punjab (2015 PLC (C.S.) 1381) and Lal Khan Vs. Employees Old Age Benefits Institution (2010 PLC (C.S.) 1377)**, it has consistently been held that a deputationist is not necessarily entitled to complete the tenure for which he or she was sent on deputation and that the competent authority is fully empowered to repatriate a deputationist to the parent department at any stage, without assigning any reason, unless the governing statutory provisions or the terms of deputation provide otherwise. The principles enunciated in the aforesaid precedents apply with equal force to the facts of the present case.

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15. In the case of **Mst. Gohar Khanum and others Vs. Mst. Jamila Jan and others (2014 SCMR 801)**, it was, inter alia, held as under:

> *"7. We may mention here that* ***the deputationist by no stretch of imagination and in absence of any specific provision of law can ask to serve the total period of deputation and he can be repatriated being a deputation by the Competent Authority in the interest of exigency of service as and when desired and such order of the competent authority cannot be questioned****.*
> *"*
>
> **Emphasis supplied.**

16. In the case of **Abdul Majeed Vs. Chief Secretary, Punjab (2015 PLC (C.S.) 1381)**, it has been held by the Hon'ble Lahore High Court that a deputationist does not acquire any vested or enforceable right to continue on deputation either indefinitely or for the entire period stipulated in the notification of deputation. The Court further held that a deputationist may be repatriated to his parent department at any stage, without assigning any reason, and that the competent authority is under no legal obligation to disclose the reasons necessitating such repatriation. The principle enunciated in the said judgment fully supports the respondents' stance that the impugned Notification cannot be invalidated merely because it does not disclose elaborate reasons for the petitioner's premature repatriation.

17. Likewise, in the case of **Lal Khan Vs. Employees Old Age Benefit Institution (2010 PLC (C.S.) 1377)**, the Hon'ble High Court of Sindh held that a deputationist has no vested right to continue on a deputation post either indefinitely or for a specified tenure. It was

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categorically held that an order of repatriation, being an incident of deputation, cannot ordinarily be questioned by the deputationist, who remains liable to be repatriated to his parent department at any time in accordance with the administrative exigencies and the discretion of the competent authority. The said principle is equally attracted to the facts of the instant case.

18. Applying the aforesaid settled principles to the facts of the present case, it is evident that the petitioner's deputation was never unconditional. As already observed, Notification dated 16.05.2025 itself expressly stipulated that the deputation would continue for a period of two years or till the availability of a regular incumbent as per rules, whichever was earlier, besides being subject to further orders of the competent authority. The record further establishes that the condition regarding the availability of a regular incumbent had admittedly materialized, whereupon Ms. Shabana Rehman was promoted and assigned the charge of Director General (Projects), and the petitioner was simultaneously relieved from PBM.

19. In these circumstances, the continuance of the petitioner on the said post had become legally and administratively untenable. Admittedly, the petitioner was never absorbed in the service of PBM. His substantive appointment and lien at all material times remained with his parent department, and his placement in the borrowing department was purely on deputation, subject to the governing terms and conditions regulating such arrangement.

20. Viewed from any angle, therefore, the petitioner cannot legitimately claim to be an *"aggrieved person"* merely because he has

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been repatriated to his parent department. The legal position having been authoritatively settled by the Hon'ble Supreme Court of Pakistan in **Dr. Shafi-ur-Rehman Afridi Vs. CDA, Islamabad (2010 SCMR 378)** and consistently followed in the subsequent judgments referred to hereinabove, no vested or enforceable right can be said to have accrued in favour of the petitioner to continue in the borrowing department until the expiry of the stipulated period of deputation. Equally, the mere absence of reasons in the impugned Notification or the omission to afford a prior opportunity of hearing does not render the order of repatriation unlawful, as such repatriation neither amounts to a penalty nor entails any adverse civil consequence affecting the petitioner's substantive service in his parent department.

21. In concomitance with the foregoing discussion and for the reasons recorded hereinabove, this Court is of the considered view that the impugned Notification dated 20.05.2026 has been issued by the competent authority strictly in accordance with law and the terms governing the petitioner's deputation. The petitioner, being a deputationist, had no vested or enforceable right to continue in the borrowing department until the expiry of the stipulated deputation period and, therefore, cannot legitimately question the validity of his repatriation to his parent department. No jurisdictional error, illegality, arbitrariness, mala fides, or violation of any constitutional or statutory provision has been demonstrated so as to warrant interference by this Court in exercise of its constitutional jurisdiction under Article 199 of the Constitution. Consequently, finding no merit in the instant writ petition, the same is hereby **dismissed**, along with

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all pending miscellaneous applications, if any. The interim order, if operating in favour of the petitioner, shall stand vacated.

(INAAM AMEEN MINHAS)
JUDGE

Announced in an open Court on 22.07.2026.

JUDGE

Sanaullah**

Approved for reporting

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