ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

JUDICIAL DEPARTMENT.

Writ Petition No. 831 of 2017

Abdul Hameed Naqashbandi

Versus

FOP.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	25.02.2022	Mr. Ghulam Fareed Ch., Advocate for petitioner. Syed Nazar Hussain Shah, AAG. Mr. Abdur Rehman S.O, Establishment Division.

Through the instant writ petition, petitioner seeks direction against the respondent (Establishment Division) to place his case before the F.R. 17 (1) Committee ('**Committee**') for grant of ante-dated proforma promotion in BS-20, BS-21 and BS-22 w.e.f. 30.06.1982, 16.11.1988 and 16.05.1994 along with consequential benefits.

2- The petitioner's case is that he is senior being at serial No. 283to Muhammad Hassan Bhutto, his counterpart, who ranks at serial No. 284 as per seniority list dated 14.11.1979. It is his stance that he joined Secretariat Group as Deputy Secretary on 14.11.1979 while latter on the next day i.e. 15.11.1979 and that his other counterparts Akbar Hayat Gandapur, Dr. Aleem and Dr. Abdul Hameed Qureshi were given the benefit of promotion to BS-20, 21 & 22 at par with Mr. Muhammad Hassan Bhutto but he was discriminated despite having senior position.

3- On the othe hand learned AAG submits that the respondent-department in its written comments denied the claim of the petitioner particularly his seniority position and the ground of discrimination as well.

4- Heard, record examined.

5- Perusal of record reveals that though petitioner claims to have senior position than his counterpart but no document in support of said claim has been placed on record. It is incumbent upon the petitioner to substantiate his stance through the documents particularly when the respondent

came up with the stance that his counterpart joined service in 1983 while the petitioner in 1976.

6- In addition, earlier this Court vide judgment dated 22.04.2013, passed in W.P. No.2818/2012 directed the respondent to implement the judgment of learned Federal Service Tribunal (F.S.T) dated 27.01.2012 whereby a direction was issued to the respondent to consider the appellants of that appeal for grant of ante-dated promotion from the date it was allowed to their juniors, with all consequential benefits. The petitioner before this Court is one of the appellants in the referred appeal before the learned F.S.T. Feeling aggrieved of non-compliance, one of the appellants then filed Criminal Original No.353-W/2013, which was disposed of vide order dated 29.03.2016 by observing that "*according to statement of official in attendance names of three retired officers i.e. M/S Abdul Rasheed, Jalis Ahmad Siddiqui and Abdul Hameed Naqshbandi (petitioner) have not been approved and they have been intimated.*"

7- Pursuant to direction ibid, petitioner was informed accordingly about the outcome of his case by the respondent vide Memo dated 08.04.2016 wherein it was categorically mentioned that his case was rejected by the Committee for proforma promotion to BS-21 & BS-22.

8- Record further reveals that he was again considered by the Committee in its meeting held on 06.11.2015. The Committee turned down his request on the ground that no junior to him was promoted to BS-21/22 while he was in service.

9- It is also a matter of record that the Committee has granted proforma promotion to the petitioner to BS-20 w.e.f. 23.05.1983 for the purpose of payment of arrears of pay and allowances.

10- Having examined the case of the petitioner from every angle, no case for exercise of discretion in terms of Article 199 of the Constitution is made out for the reasons that there is no document to show that petitioner, as claimed was senior to his counterpart Mr. Muhammad Hassan Bhutto; that pursuant to the direction of the learned F.S.T. and this Court petitioner along with other officers were considered by the Committee

but his request was turned down as none of his juniors was promoted at the time petitioner was in service; that the Committee considered the petitioner twice and found his claim without any substance and that the ground of discrimination is without any substance.

11- In view of instant writ petition fails and accordingly **dismissed.**

(ARBAB MUHAMMAD TAHIR)
JUDGE

AR. Ansari

Announced in open Court on _____03.2022.

JUDGE