ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.No.3849 of 2017
Naveed Ahmed
Versus
Federation of Pakistan and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	17.02.2021	**M/s Zill-e-Huma and Ahmad Shahzad Awan, Advocates for the petitioner** **Raja Muhammad Rizwan Ibrahim, Advocate for P.T.V.**

Through the instant writ petition, the petitioner, Naveed Ahmed, seeks a direction to the Pakistan Television Corporation Limited ("P.T.V.") to issue an appointment letter to him pursuant to its policy contained in the circular dated 27.11.1998 to employ one dependent of an employee of the P.T.V. who dies during service.

2. Learned counsel for the petitioner drew the attention of the Court to circular dated 27.11.1998 issued by the P.T.V. and submitted that it was the petitioner's right to be given employment on the ground that his father had died while still in service of the P.T.V.; that the petitioner's father passed away on 26.09.2013 while still in service of the P.T.V.; that after the petitioner submitted an application for the grant of employment, the P.T.V. vide letter dated 20.12.2016 started the process of verifying whether any dependent of the petitioner's deceased father had been given employment in the P.T.V.; that vide letter dated 28.12.2016, it was confirmed by the Executive Manager of P.T.V. that the petitioner's brother namely Saeed Ahmed had been appointed on 26.11.2010 on daily wages basis prior to the death of the petitioner's father; that vide letters dated 22.04.2016, the P.T.V. has appointed children of deceased's employees of the P.T.V. whereas the

petitioner's application for appointment has not been responded to; and that the P.T.V. ought to extend the benefit under its circular dated 27.11.1998 to the petitioner by granting him employment on the ground that his father had died while still in service of the P.T.V. Learned counsel for the petitioner prayed for the writ petition to be allowed in terms of the relief sought therein. While making his submissions, learned counsel for the petitioner placed reliance on the judgments reported as *2017 PLC (C.S.) 864, 2015 PLC (C.S.) 1483, 2013 PLC (C.S.) 274* and *2012 PLC (C.S.) 137*.

3. On the other hand, learned counsel for the P.T.V. raised an objection to the maintainability of the instant writ petition on the ground that the P.T.V. Employees Service Rules were non-statutory. He further submitted that the grant of employment to one dependent of a deceased's employee is subject to the condition that the dependent seeking employment qualified on merit; and that petitioner does not qualify on merit since he had obtained Grade-E in his matriculation. Learned counsel for the P.T.V. prayed for the writ petition to be dismissed.

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

5. The Board of Directors of the P.T.V. vide resolution dated 24.11.1998 approved amendments in clause 6.04 of the P.T.V. Employees Service Rules. Clause 6.04(iii) of the said Rules provides that *"in case of death of an employee during service, one dependent of the deceased's employee will be recruited subject to qualifying on merits."* In essence, the petitioner is seeking the enforcement of clause 6.04 of the said Rules. A writ petition through which a

petitioner seeks the enforcement of non-statutory rules is not maintainable.

6. The P.T.V. Employees Service Rules have been held to be non-statutory. In the case reported as *2009 PLC (C.S.) 565*, this Court dismissed a writ petition filed by an employee of P.T.V. with respect to a matter pertaining to the terms and conditions of his service. Paragraph 6 of the said report is reproduced herein below:-

> ***"6. It is admitted position that the employees of PTVC are governed by the Pakistan Television Corporation Ltd. Employees Service Rules, those have no legal cover i.e. non-statutory in nature and cannot be enforced through a writ petition. Reliance can be placed on the case The Principal Cadet College, Kohat and another v. Muhammad Shoab Qureshi PLD 1975 SC 678, M.H. Mirza v. Federation of Pakistan through Secretary, Cabinet Division, Government of Pakistan, Islamabad and 2 others 1994 SCMR 1024 and case of Asad Bashir v. Chairman, Board of Intermediate and Secondary Education, Lahore and 2 others 2006 PLC (C.S.) 110."***

7. The abovementioned judgment was upheld by the Hon'ble Supreme Court vide judgment dated 05.08.2009 passed in civil petition No.331/2009. The same view was taken by the Hon'ble Supreme Court in its order dated 26.08.2009 passed in civil petition No.1362/2009. This Court, vide judgment dated 23.09.2011, dismissed writ petition No.608/2011 filed by an employee of the P.T.V. pertaining to a matter regarding the terms and conditions of his service on the ground that such an employee was not governed by statutory rules. Since I cannot take a view different from the one taken by the Hon'ble Supreme Court regarding the maintainability of a writ petition filed by an employee of the P.T.V. with respect to a matter regarding his service, I hold that this petition is liable to be dismissed as not maintainable.

8. In view of the above, the instant petition is dismissed as not maintainable. The petitioner is at liberty to institute proceedings before the appropriate forum.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Qamar Khan

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