ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

F.A.O. No.15 of 2017
Shams ur Rehman
Versus.
Federal Public Service Commission, Islamabad through Assistant Director (Competitive Examinations)

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	07.12.2017	Petitioner-in-person. Raja Ahsan Mehmood Satti, learned Asst: Attorney-General. Mr. Kamran Riffat, Deputy Director, F.P.S.C. Through the instant appeal under Section 7(3)(D) of the Federal Public Service Commission Ordinance, 1977, the appellant, Shams ur Rehman, impugns the order dated 15.12.2016, passed by the Federal Public Service Commission (respondent), whereby the appellant's review petition against the respondent's decision dated 26.10.2016, not to allow him age relaxation by two years for the competitive examination-2016, was dismissed. 2. The appellant appeared in person and submitted that the appellant wanted to appear in the CSS Competitive Examination-2016; that the appellant was employed by the Punjab Emergency Service (Rescue 1122), Government of Punjab, since 15.04.2009; that on account of the said employment, the appellant was eligible to appear in the CSS Competitive Examination-2016, by being granted age relaxation by two years; that the respondent rejected the appellant's candidature to appear in the said examination under Rule 3(ii)(f) of the Rules for Competitive Examination (CSS), 2016; that against the said rejection, the appellant preferred a review petition, which was also dismissed by the

respondent on 20.12.2016; that the rejection of the appellant's candidature for appearing in the said examination, is unlawful; and that the employees of Punjab Emergency Service (Rescue 1122) are treated as civil servants, therefore, age relaxation should have been granted to the appellant. The appellant prayed for the appeal to be allowed, and for the impugned orders dated 15.12.2016 and 26.10.2016 to be set-aside.

3. On the other hand, the learned Assistant Attorney-General assisted by Mr. Kamran Riffat, Deputy Director, F.P.S.C. submitted that the appellant may have been earlier employed by Punjab Emergency Service (Rescue 1122) but the same did not entitle him to age relaxation because Punjab Emergency Service (Rescue 1122) is an autonomous body; that under Rule 3(ii)(f) of the Rules for Competitive Examination (CSS) 2016 does not entitle a person employed in an autonomous body to any age relaxation for appearing in the CSS Competitive Examination-2016; that the appellant was over age by one year, ten months and thirteen days, and therefore, was not permitted to appear in the CSS Competitive Examination-2016; that the appellant's representation against the rejection of his candidature was turned down after he was afforded an opportunity for hearing; that vide letter dated 26.10.2016, the appellant was informed that since Punjab Emergency Service (Rescue 1122) was an autonomous body, the appellant was not eligible for age relaxation for appearing in the CSS Competitive Examination-2016; and that the appellant's review petition was also turned down on the ground that Punjab Emergency Service (Rescue 1122) established under the Punjab Emergency Services Act, 2006

was an autonomous body, and therefore, the appellant was not entitled to the age relaxation sought by him. The learned Assistant Attorney-General prayed for the appeal to be dismissed.

4. I have heard the contentions of the appellant as well as the learned Assistant Attorney- General, and have perused the record with their able assistance.

5. The vital question that needs to be determine in this petition is whether on account of the appellant's service in the Punjab Emergency Service (Rescue 1122) since 2009, he was entitled to be given age relaxation by two years under Rule 3(ii)(f) of the Rules for Competitive Examination (CSS) 2016, for appearing in the CSS Competitive Examination-2016.

6. The appellant's application to appear in the said examination was rejected by the respondent vide letter dated 25.08.2016, on the ground that the appellant was over age by one year, ten months and thirteen days. Furthermore, the appellant was informed that the employees of the Punjab Emergency Service (Rescue 1122) were not entitled to age relaxation in terms of Rule 3(ii)(f) of the said Rules. The appellant's representation against the said rejection was turned down by the respondent, vide letter dated 26.10.2016. It was explained to the appellant that the Punjab Emergency Service (Rescue 1122) was an autonomous body, and therefore, the appellant was not eligible for age relaxation under the said Rules. The appellant's review petition against the said decision dated 26.10.2016 was dismissed by the respondent on 15.12.2016. The said decisions holding the appellant ineligible to appear in the CSS Competitive Examination-2016

were assailed by the appellant in the instant appeal.

7. The upper age limit for appearing in the CSS Competitive Examination-2016 was 28 years. Under Rule 3(ii)(f) of the said Rules, the upper age limit can be relaxed by two years upto the age of 30 years in respect of *inter-alia* the following:-

> *"(f) In Service Government Servants, Armed Forces Personnel, Contract Employees, including the Government servants of AJ&K, who possess a minimum of two years continuous Government service as on 31st December, 2015, subject to submission of Departmental Permission Certificate (Annex-E) from the competent authority. Employees of Nationalised Banks, State Bank of Pakistan, WAPDA, Regulatory Authorities, Autonomous bodies, and other semi autonomous bodies are not entitled to age relaxation."* (Emphasis added)

8. According to the notification dated 22.03.2017, issued by the Services and General Administration Department (Government of Punjab) in exercise of the powers conferred under Article 139 of the Constitution, the Punjab Emergency Service (Rescue 1122) is an autonomous body. This being so, the respondent was correct in not permitting age relaxation to the appellant under Rule 3(ii)(f) of the said Rules. Punjab Emergency Service (Rescue 1122) may have been under the administrative control of the Home Department (Government of Punjab) and later the Services and General Administration Department, Government of Punjab, but such administrative control would not alter the status of Punjab Emergency Service (Rescue 1122) as an autonomous body. Since the employees serving in autonomous bodies are not entitled to any age relaxation under Rule 3(ii)(f) of the said Rules, I find no reason to fault the respondent's decisions rejecting the appellant's application for

appearing in the CSS Competitive Examination-2016.

9. In view of the above, this appeal is dismissed. There shall be no order as to costs.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Ahtesham*

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