ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. NO: 1632/2014

SAJJAD AHMAD BHUTTA VS GOP ETC

Serial No. of order of proceeding.	Date or order of proceedings	Order with signatures of judge, and that of parties or counsel, where necessary.
1	2	3

18.4.2014 Ms. Chand Bibi, Advocate.

The case of the petitioner is that while serving as Managing Director REPCO as a deputationist from Establishment Division he was compulsorily retired on 18.2.1977 in consequence of a show cause notice dated 16.10.1976 and charge sheet, with allegation of involvement in corruption and inefficiency. He alleges that his compulsory retirement order was made without fulfilling the legal requirements. He also contends that charges against him were not proved and even the Secretary Establishment Mt.Waqas Ahmad, observed that no charge could be proved against the accused.

It is his grievance that despite completing ten years qualifying service period, neither he was given any service benefits nor he is being paid pension.

Learned counsel submits that his compulsory retirement without due process of law under Rule 3 of E & D Rules, 1973 is abuse of constitutional guarantees.

It is next submitted that Under Section 19 of Civil Servants Act, 1973 , every Civil Servant after completing the qualifying ten years service is entitled to receive pension and gratuity, but legal benefits were not given to the petitioner in derogation to Section 21 of the Civil Servants Act, 1973 read with Section 13 of the Act No.2 of 1969, which amounts to denial of equal protection of law under Article 4 of the Constitution.

Heard & record perused.

Admittedly, the grievance of the petitioner pertains to 1977, asserted by him after delay of more than four & half decades without any explanation for this inordinate delay.

There is nothing on record to show as to whether he had approached the departmental authority for redressal of his grievance which is mandatory before invoking constitutional jurisdiction because said jurisdiction is available only where no alternate remedy exists. Petition suffers from latches which cannot be ignored in the circumstances of the present case.

In view of above, the petition being forceless is dismissed in limine.

(CHIEF JUSTICE)

Saeed Akhtar
18.4.2014