

22-5-12
Examiner
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Islamabad High Court
Islamabad

**IN THE ISLAMABAD HIGH COURT,
ISLAMABAD**

Writ petition No. 20/2 /2012

1. Naseemuddin Sahito, Lecturer Law, National Academy for Prisons Administration (NAPA), under the Ministry of Interior, Ferozepur Road, Lahore
2. Muhammad Naseem, Lecturer (IT), National Academy for Prisons Administration (NAPA), under the Ministry of Interior, Ferozepur Road, Lahore.

Petitioner

Versus

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1. Secretary Ministry of Interior, Government of Pakistan, Islamabad.
 2. Secretary, Establishment Division, Government of Pakistan, Islamabad
 3. Secretary Ministry of Finance (Regulation Wing) Government of Pakistan, Islamabad.
 4. Director General, National Academy for Prisons Administration (NAPA), Ferozepur Road, Lahore.

Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973**

Respectfully Sheweth:-

FACTS:-

1. That the petitioner No.1 was initially appointed as Patrolling Officer (BPS-14) w.e.f 07.01.2002 and subsequently post of lecturer law was advertised and the petitioner No.1 applied through proper channel and fulfilling codal formalities he was selected/appointed as Lecturer Law (BS-17) through FPSC in National Academy for Prisons administration, Lahore w.e.f. 22.12.2010. The petitioner No.2 was initially appointed as Lecturer (IT) (BS-17) through FPSC in National Academy for Prisons Administrations, Lahore w.e.f. 23.07.2010. From day one of the initial appointment, the petitioners have been performing their duties with full devotion, dedication, honesty and having unblemished record of their services.
2. That throughout his employment period, there has been no complaint of any kind against the petitioners from any corner whatsoever. They enjoy very good reputation among their colleagues.



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FORM NO: HCJD/C

JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD

JUDICIAL DEPARTMENT

W.P No.2012 of 2012.

Naseemuddin Sahito etc.

Vs.

Federation of Pakistan etc.

Date of hearing 16.05.2013

Mr. Muhammad Shoaib Shaheen, Advocate
for the petitioners.
Malik Zahoor Akhtar Awan, Standing Counsel.

Noor-ul-Haq N. Qureshi, J:- Through
the instant constitutional petition filed under
Article 199 of the Constitution of the Islamic
Republic of Pakistan, 1973, the petitioners have
made the following prayer:-

"It is therefore, respectfully
prayed that the instant writ
petition may be accepted and the
post of petitioners may kindly be
up-graded and re-designated
from BS-17 to BS-18 with effect
from the date when the other
colleague mentioned was

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with all consequential back benefits, in the interest of justice."

2. The factual background of the case, as gleaned from the petition is that the petitioners are working as Lecturers in the National Academy for Prisons Administrations. In the year 2011, Finance Division (Regulations Wing) issued office Memorandum dated 23.07.2011 upgraded the posts of Vice Principal from BS-18 to 19 as Director and Lecture BS-17 to BS18 as Deputy Director. It is added that the post of one of the colleagues namely Ms.Sarwat Inayat has been upgraded & re-designated as Lecturer BS-17 to Deputy Director BS-18 in the month of February 2012 by ignoring the petitioners illegally and unlawfully. However, despite best of the petitioners, they are being deprived of from their legitimate right of up-gradation. The petitioners also preferred departmental appeals, which have not been decided so far, hence this petition.

3. The respondents opposed the petition tooth and nail by filing para-wise comments.

4. I have heard the learned counsel for the petitioners as well learned Standing Counsel

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and surveyed the material made available with care.

5. The petitioners are seeking upgradation of their post of Lecturer from BS-17 to BS-18 on the account that the post of their colleague Ms. Sarwat Inayat has been upgraded & re-designated. Respondent No.4 while submitting reply has admitted in unequivocal terms that the post of said Ms. Sarwat Inayat has been upgraded. The petitioners are also working as Lectures in BS-17, therefore, under the law same treatment was to be meted out with the petitioners. The denial of the same is sheer violation of fundamental rights of the petitioners guaranteed by the Constitution. The respondents are bound to give the petitioners an equal protection of law, rules, set policy and Patrice to avoid discrimination and disparity. Under the Constitution of the Islamic Republic of Pakistan, 1973, the State is bound to promote social justice and economic well being of the people. Under Article 35 of the Constitution the state is also bound to reduce disparity in the income and earning of individuals including persons in various classes of the service of Pakistan.

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6. Moreover, respondent No.3 in reply has also admitted that they have already conveyed their concurrence for up-gradation of the post of Lecturer BPS-17 as Deputy Director to BPS-18 in NAPA.

7. For what has been discussed above, the instant constitutional petition is **accepted** and the respondents are directed to upgrade the post of petitioners from BPS-17 to BPS-18 as already upgraded the post of Ms. Sarwat Inayat mentioned supra.

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Sabir


Noor-ul-Haq N. Qureshi
Judge


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