

**BEFORE THE LAHORE HIGH COURT RAWALPINDI BENCH,
RAWALPINDI**

For Private Use
Writ Petition No. 1986 of 2011
Examiner
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Lahore High Court
Rawalpindi Bench

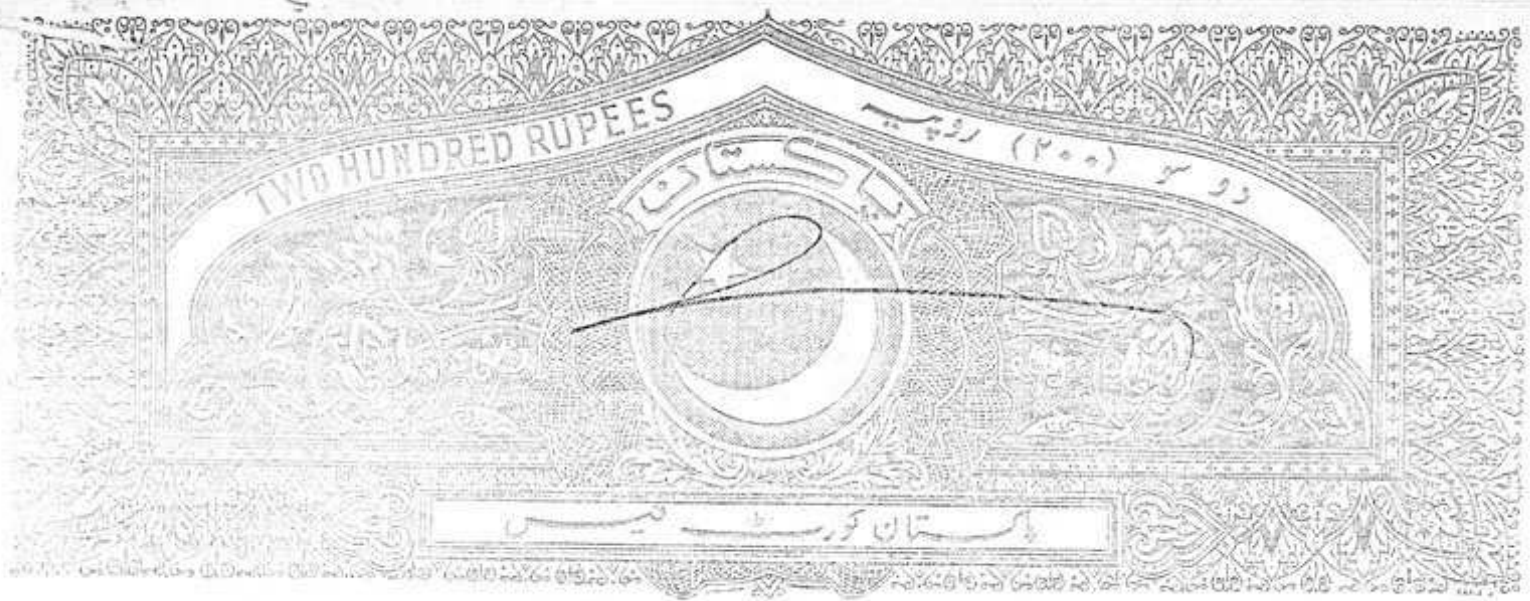
1. Mst Shazia Kiran widow of Muhammad Siddique Senior Auditor of Military Accounts CMA (RC), Rawalpindi.
2. Miss Zahra Abbas d/o Muhammad Abbas (late), Senior Auditor, CMA (RC), Rawalpindi.
3. Miss Kanwal Bashir d/o Hafiz Bashir Ahmed (late), CMA (POF) Wah Cantt.
4. Mrs. Riffat Kausar d/o Mushtaq Hussain (late), Senior Auditor, CMA (RC), Rawalpindi.
5. Mst. Naheed widow of Shahid Mahmood (late), Senior Auditor, CMA (QC), Quetta.
6. Shehla Aamir w/o Muhammad Aamir Malik (late), Senior Auditor, CMA (MC), Multan Cantt, presently Sub Office Bahawalpur.
7. Muhammad Muddasar Shafique s/o. Muhammad Shafiq (late), Senior Auditor, CMA (POF) Wah Cantt.
8. Wasif Waheed s/o Waheed-ur-Rehman (late), Senior Auditor, CMA (ISOs), Rawalpindi.

..... Petitioners

Versus

1. Military Accountant General (MAG), Kashmir Road, Rawalpindi Cantt.
2. Controller Military Accounts (RC), C.M.A. Complex, Bakery Road, Rawalpindi.
3. Controller Military Accounts (ISOs), C.M.A. Complex, Bakery Road, Rawalpindi.

9/2/11
2/9/11



4. Controller Military Accounts (POF) Wah Cantt.
5. Controller Military Accounts (QC), Malik Kabir Road, Quetta Cantt.
6. Controller Military Accounts (MC), Jail Road, Multan Cantt.
7. Ministry of Defence, Government of Pakistan, Secretariat No. 2, Adam Jee Road, Rawalpindi through its Secretary.
8. Establishment Division, Government of Pakistan, Cabinet Secretariat, Islamabad through its Secretary.

..... Respondents

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

Respectfully Sheweth: -

1. That the petitioners No. 1, 5 and 6 are widows, petitioners No. 2, 3 and 4 are daughters and petitioners No. 7 and 8 are sons of deceased Senior Auditor (BS-14) of Pakistan Military Accounts Department (PMAD) who died while in service and the petitioners were appointed as Senior Auditors (B-14) on two years contract under the "Prime Minister's Package For Families Of Government Employees Who Die in Service" notified by the Establishment Division vide O.M No. 7/40/2005-E.2 dated 13-06-2006. Copy of the same is enclosed as **Annexure - "A"**.

ATTESTED

[Signature]

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Rawalpindi Bench

2. That the respondents No. 2 to 6 have issued notices to the petitioners for termination from service by illegally curtailing the period of contract employment.

ORDER SHEET**IN THE LAHORE HIGH COURT, RAWALPINDI BENCH
JUDICIAL DEPARTMENT**

Case No: _____ WP No.1986 of 2011.

Versus

Mst. Shazia Kiran.

Military Accountant General, etc.

S. No. of order/ Proceeding	Date of order/ Proceeding	Order with signatures of Judge, and that of parties or counsel, where necessary.
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04.08.2011. Sardar Nasir Ahmad Saghir, Advocate for the
petitioners.

It is contended by the learned counsel for the petitioners that the petitioners were appointed on contract basis but the respondents mala fide and in order to accommodate their favourites had issued the impugned notices of termination of petitioners' services, before the expiry of contract period; that the petitioners' services have been terminated on the ground that due to up-gradation of post of the petitioners in BPS-16, they do not remain eligible, because the Prime Minister's Assistance Package, whereby the petitioners were appointed, covers contract employees up to BPS 15; that vide letter dated 07.10.2010 issued by the office of respondent No.1, the Establishment Division, Islamabad confirmed that Senior Auditors (BPS 14)/Junior Auditors (BPS 07) appointed on contract basis were eligible for up-gradation to

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05/8/11
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BPS-16 and BPS-17 respectively; that the impugned order dated 02.07.2011 has been issued by respondent No.1 while completely overlooking the above mentioned letter dated 07.10.2010 issued by the same respondent, thus, the impugned order is not sustainable in the eyes of law; that the petitioners are entitled to be regularized under the relevant law but the impugned order has mala fide been passed in order to deprive the petitioners from their legitimate rights; that the petitioners have been condemned un-heard while issuing the impugned letter/Notification. In support of his contentions, the learned counsel for the petitioners has placed reliance on order dated 08.10.2009 passed by the Hon'ble Supreme Court of Pakistan in Human Rights cases No.3423-K/2007 and 7444/2009. He has further placed reliance on case reported as "Muhammad Aslam Versus Vice Chairman" (2010 PLC (SC) 266).

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2. In view of the above, let pre-admission notices be issued to the respondents. Besides the ordinary course, the respondents be also served telegraphically, registered posts A/D

as well as by courier service at the expenses of the petitioners to be deposited within two days from today. Adjourned to 09.08.2011.

C.M. No.02/2011.

3. Notice for the said date i.e. 09.08.2011. In the meanwhile, operation of the impugned order dated 02.07.2011 issued by the office of respondent No. 1 and impugned notices of termination of services of the petitioners shall remain suspended, till the next date of hearing. However, it is clarified that this injunctive order shall cease to have its effect, if not specifically extended on the next date of hearing.

C.M. No.1/2011.

4. Dispensation sought for is allowed subject to all just and legal exceptions.

*K. Mehmood**
4/8/11

(Malik Shahzad Ahmad Khan)
Judge.

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u/p D.P. 05/8/11
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Authorised under Article-87
of Qanun-e-Shahadat Order 1984