

IN THE HIGH COURT OF SINDH, AT KARACHI

C.P No.D-6990 of 2017

Present:

Mr. Justice Irfan Saadat Khan
Mr. Justice Adnan-ul-Karim Memon

Nawal Kishore & anotherPetitioners

Versus

Federation of Pakistan & othersRespondents

Date of hearing 11.09.2018

Mr. Samiullah Soomro, Advocate for the Petitioners.
Shaikh Liaquat Hussain, Assistant Attorney General for Pakistan
for the Respondents.

ORDER

ADNAN-UL-KARIM MEMON, J:- Petitioners have impugned the Notifications dated 03.10.2017, whereby they were repatriated to their parent departments i.e. Sindh Technical Education & Vocational Training Authority, Government of Sindh.

2. Gist of the case is that the services of the Petitioners were placed at the disposal of Benazir Income Support Program, Government of Pakistan ('BISP') on deputation basis for a period of three years vide notifications dated 30.06.2017 & 06.7.2017, however, through the Impugned Notifications dated 03.10.2017 the deputation period of the Petitioners was cancelled and they were directed to report their parent department i.e. Sindh Technical

Education & Vocational Training Authority ('STEVTA'), Government of Sindh, Karachi. Petitioners being aggrieved by and dissatisfied with the Impugned Notifications have filed the instant petition on 16.10.2017.

3. Upon notice, Comments were filed on behalf of Respondent No. 2 & 4 denying the allegations leveled by the Petitioners.

4. Mr. Samiullah Soomro, learned counsel for the Petitioners has contended that the impugned Notifications dated 03.10.2017 are illegal because, the same were issued without holding formal enquiry and affording opportunity of hearing to the Petitioners. The learned counsel next contended that the Petitioners have not been treated in accordance with Section 24-A of General Clauses Act. The learned counsel next contended that Respondent No.5 sent the Petitioners on deputation with BISP. Therefore, the said deputation of the Petitioners cannot be revoked unilaterally without granting them opportunity of hearing as provided under Article 10-A of the Constitution; that the salary of the Petitioners for the deputation period has not been paid. Learned counsel concluded by praying that impugned Notifications dated 03.10.2017 may be recalled.

5. Shaikh Liaquat Hussain, learned Assistant Attorney General representing Respondents has contended that Petitioners were posted on deputation basis in BISP, however, the Senior Management of BISP HQ Islamabad decided to cancel the requisition of teaching staff against administrative posts on the premise that they had no experience of handling day to day administrative issues as well as financial matters, therefore, the

Petitioners were rightly repatriated to their parent departments vide Notifications dated 03.10.2017. Learned AAG pointed out that so far as issue of salary of the Petitioners for the period of their deputation is concerned as the same has been paid and notified; that the Petitioners have no vested right to remain on deputation with the BISP, therefore, they have no right to call in question the Notification dated 03.10.2017.

6. During the course of arguments, we have been informed that the Petitioners have joined their parent department and posted on their respective posts.

7. We have considered the submissions put forth by learned counsel of the parties and perused material available on record.

8. We are of the view that even otherwise Petitioners have failed to make out their case on merits so far as their deputation in BISP is concerned. In our view, the Petitioners have no vested right to claim particular post at particular place because, requisition of services of a government employee on deputation is the prerogative of competent authority. Reliance is placed on the case of *Shafiq-ur-Rehman Afridi vs. CDA* (2010 SCMR 378).

9. The issue raised in the instant Petition is of deputation period. In this regard it is well settled law that an employee posted on deputation basis has no vested right to remain there for any particular period and he can be repatriated to his parent department at any time. Reliance is placed upon the case of *contempt proceedings against Chief Secretary and others* (2013 SCMR 1752) wherein the Hon'ble Supreme Court has held that a deputationist does not have any vested right to remain on the post

for ever or for a stipulated period. We are of the considered view that the Petitioners can be repatriated to the parent department at any time and they have no vested right to complete the deputation period.

10. In view of above discussion no case for interference of this court is made out hence, the instant petition is dismissed along with listed application(s).

JUDGE

Karachi

JUDGE

Dated: 11.09.2018

Nadir/PA