

Form No: HCJD/C-121

ORDER SHEET

~~For Private Use~~

**IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT**

Examiner
Copy Section
Court, Lahore

2/12/19

Case No.

W.P. No. 255911/2018

Suleman Liaqat Virk, etc.

Versus

Federation of Pakistan, etc.

S.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge and that of parties or counsel, where necessary
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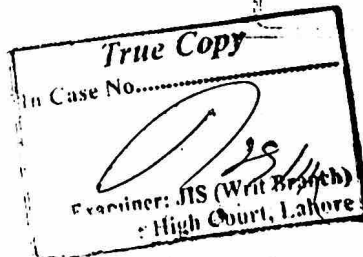
27.11.2019

Nemo for the petitioners.

Mr. Zahid Hussain, Assistant Attorney General for
Pakistan alongwith Muman Bashir Ch., Assistant Director
(Legal), FIA, Lahore.

Despite repeated calls, neither the petitioners nor their
learned counsel has entered appearance despite the fact that
his name is duly reflected in the cause list. Consequently,
this petition is dismissed due to non-prosecution.

M.Tahir*



(Shujaat A. Khan)
Judge

Examiner Copy Supply Section
Authorized Under Article 87 of
Qanun-e-Shanayat Order
2/12

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27-11-19
02/12/19

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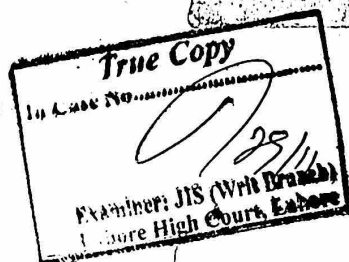
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09.04.2019 Mr. Omar Abbas Chaudhary, Advocate for the petitioners.
Mr. Zahid Sikandar, Assistant Attorney General for
Pakistan.

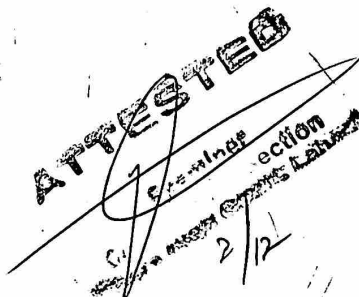
Learned Assistant Attorney General seeks an
adjournment to obtain fresh instructions from the
respondents. He will also ensure the presence of an officer
from the respondent-department not below the rank of BS-
17 well conversant with order dated 18.01.2019 passed in
W.P. No.4864/2018 by Islamabad High Court.

2. Relist for 14.05.2019.

M.Tahir*



(Shujaat Ali Khan)
Judge



Form No:HCJD/C-121
ORDER SHEET
LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No. W.P. No.255911 of 2018

Suleman Liaqat Virk & others vs. Federation of Pakistan & others

S.No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of Parties of counsel where necessary.
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C.M.No.03 of 2019

15.03.2019 Mr. Qamar Abbas Chaudhry, Advocate for
the applicant.

This is an application for early
hearing of writ petition.

2. Office is directed to fix the main case
at an early date before any other available
Bench. C.M. stands disposed of.

(SHAHID WAHEED)
JUDGE



*Saeed Akhtar
1503

ATTESTED
C. M. Section
Lahore High Court, Lahore

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ORDER SHEET

**IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT**

Case No:

W.P. No.255911/2018

Versus

Suleman Liaquat, etc.

Federation of Pakistan, etc.

S.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties of counsel, where necessary.
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19.02.2019

Mr. Omar Abbas Ch., Advocate for the petitioners.

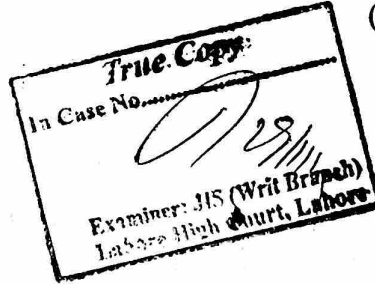
C.M.No.2/2019

Notice. To be heard along with the main case on
11.03.2019.



(ALI BAQAR NAJAFI)
JUDGE

Uftikhar
[Signature]



ATTESTED
[Signature]
Section
12/12

ORDER SHEET**IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT**

Case No:

W.P. No.255911/2018

Versus

Suleman Liaquat, etc.

Federation of Pakistan, etc.

S.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties of counsel, where necessary.
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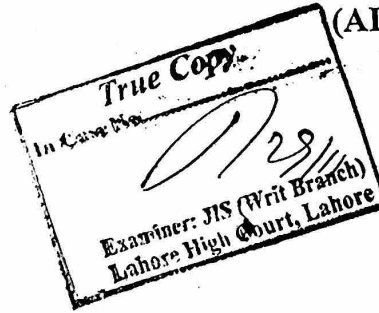
01.02.2019

Mr. Omar Abbas Ch., Advocate for the petitioners.
Mr. Sarfraz Ali Khan, Deputy Attorney General for
Pakistan.

Learned counsel for the petitioner seeks a short
adjournment to place on record a copy of the order passed by
the Islamabad High Court regarding the same subject matter.

2. Relist for 11.03.2019 on which date the report and
parawise comments statedly filed on 22.01.2019 in the office
shall also be placed on record.

Ifthikhar
[Signature]



(ALI BAQAR NAJAFI)
JUDGE

ATTESTED
[Signature]
2/12

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ORDER SHEET
LAHROE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

W.P. No.255911 of 2018

Suleman Liaquat, etc. vs Federation of Pakistan, etc.

S.No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of Parties of counsel where necessary.
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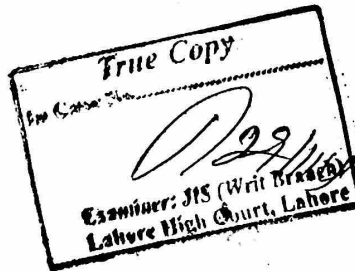
25.01.2019 Mr. Omar Abbas Chaudhary, Advocate for
the applicants.

C.M. No.1-C of 2019.

This is an application for early
hearing. Office is directed to fix the main case
in the next week before any other available
Bench of this Court after soliciting order from
the Hon'ble Chief Justice. C.M. stands
disposed of.

(SHAHID WAHEED)
JUDGE

M.R.Shad*
25/2



ATTESTED
7/12
Section
Lahore High Court, Lahore

ORDER SHEET
IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

Case W.P.No.255911/2018

Suleman Liaqat Virk etc. VS. Federation of Pakistan etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signatures of Judge, and that of parties or counsel, where necessary
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17.12.2018

Mr. Muhammad Sohail Dar, Advocate for the
petitioners.
Mr. Afzal Bashir, Assistant Attorney General for
Pakistan.

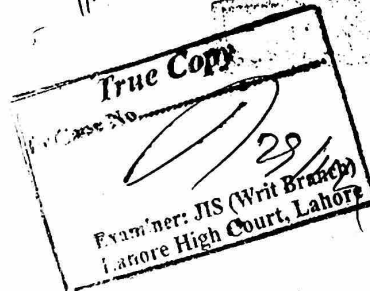
Learned Assistant Attorney General for
Pakistan seeks some time to file the report and
parawise comments.

2. Learned counsel for the petitioners is
pressing hard for issuance of an injunctive order qua
the advertisement given in the press.

3. The respondent-department may proceed
with the matter but all the proceedings shall be
subject to the final outcome of this petition.
Adjourned to 10.01.2019.

ATTESTED
2/12

Abdul Hafeez



(Ali Akbar Qureshi)
Judge

ORDER SHEET
IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

Case **W.P.No.255911/2018**

Suleman Liaqat Virk etc. VS. Federation of Pakistan etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signatures of Judge, and that of parties or counsel, where necessary
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14.12.2018

Mr. Omar Abbas Chaudhry, Advocate for the petitioner.
Mr. Afzal Bashir, Assistant Attorney General for
Pakistan, on Court's call.

Contents, that the advertisement given by
the respondent-department to fill in different
vacancies is against the appointment policy of the
respondent-department. Further submits, that if the
respondent-department is allowed to fill in the
vacancies contrary to the policy, the petitioners will
be deprived from their lawful rights.

2. I would like to hear the other side at
preliminary stage. Let notice be issued to the
respondents for 17.12.2018.

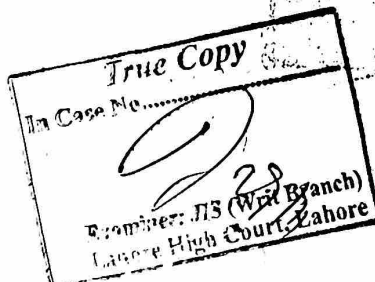
C.M. No.1/2018

3. Notice for the above said date.

C.M. No.2/2018

4. Dispensation sought for is allowed subject to
all just and legal exceptions. C.M. stands disposed
of.


Abdul Hafeez



(Ali Akbar Qureshi)
Judge

Form No. HCJD/C-121

ORDER SHEET

**IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT**

W.P.No. -18

Suleman Liaqat, etc. Versus FOP., etc.

S.No.of order / Proceeding	Date of Order/ Proceeding	Order with signature of Judge, and that of parties' counsel, where necessary
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12.12.2018

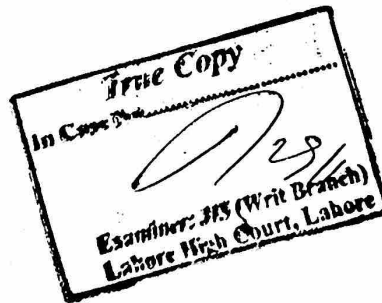
Mr. Omar Abbas Ch., Advocate for petitioner.

Dy. No.330076-18

Office is directed to assign number to this petition and fix it for hearing on judicial side where question of its maintainability at the Principal Seat shall be examined. Office objection stands disposed of.

(SHAHID WAHEED)
JUDGE

MZ 2/12



ATTESTED
1
For the
Clerk
Lahore High Court, Lahore 2/12

IN THE LAHORE HIGH COURT, LAHORE

For Private Use
Examiner
Copy Supply Section
Lahore High Court, Lahore

2/10/18
Examiner
Copy Supply Section
Lahore High Court, Lahore

W.P. No. 25594 /18

1. **Suleman Liaqat Virk** son of Liaqat Ali Virk **Sub-Inspector FIA, Punjab Zone.**
2. **Malik Sheraz Ahmed** **Assistant Director FIA, P-ZONE.**
3. **Majid Khan Niazi** son of Muhammad Aslam Khan Niazi **Inspector FIA, Islamabad Zone.**
4. **Zeeshan Sheikh** son of Abdul Sattar, **Sub-Inspector FIA, Karachi.**
5. **Hawari Muhammad Iqbal Khan** son of Haji Asmat Ullah **Sub-Inspector FIA, Quetta.**
6. **Sajjida Bibi** Daughter of Sher Muhammad **Sub-Inspector FIA, Punjab Zone.**
7. **Mirza Khizer Hussain** son of Karam Elahi **Sub-Inspector FIA, Punjab Zone.**
8. **Muhammad Rizwan Bhatti** son of Ghulam Fareed Bhatti **Sub-Inspector FIA, Sindh Zone.**
9. **Muhammad Zia Asim Farooq** son of Muhammad Umer Farooq **Sub-Inspector FIA, Punjab Zone.**
10. **Rashid Ali Saleemi** **Assistant Sub-Inspector FIA, Punjab Zone.**
11. **Muhammad Yahya Gujjar** **Assistant Sub-Inspector FIA, Punjab Zone.**
12. **Javed Iqbal** son of Muhammad Tufail **Sub-Inspector FIA, Punjab Zone.**
13. **Najam Ashraf Bajwa** son of Muhammad Ashraf Bajwa **Assistant Sub-Inspector FIA, Punjab Zone.**
14. **Khalid Majeed Gill** son of Abdul Majeed Gill **Assistant Sub-Inspector FIA, Punjab Zone.**
15. **Imran Khan** son of Ghulam Shabbir Sial **Assistant Sub-Inspector FIA, Punjab Zone.**
16. **Waqas Majeed** son of Abdul Majeed **Assistant Sub-Inspector FIA, Punjab Zone.**
17. **Shafiq-ur-Rehman** son of Shamim Ahmed **Assistant Sub-Inspector FIA, Punjab Zone.**
18. **Bilal Basharat** son of Basharat Ali **Assistant Sub-Inspector FIA, Punjab Zone.**

2

19. Sohail Salamat son of Salamat Ali Assistant Sub-Inspector FIA, Punjab Zone.

20. Abdul Rehman son of Ch. Muhammad Aslam Assistant Sub-Inspector FIA, Punjab Zone.

21. Manzoor Ahmed son of Nizam Din Head Constable FIA, Punjab Zone.

22. Muhammad Nawaz Khan son of Abbas Khan F.C FIA, Punjab Zone.

23. Ahsan Raza Shah son of Abid Hussain Shah F.C FIA, Punjab Zone.

24. Azar Razzaq son of Abdul Razzaq F.C FIA, Punjab Zone.

25. Asim Javed Iqbal son of Javed Iqbal F.C FIA, Punjab Zone.

26. Abdul Waheed son of Mushtaq Ahmed F.C FIA, Punjab Zone.

---VERSUS---

.....PETITIONERS

1. **Federation of Pakistan** through Secretary, Ministry of interior, Islamabad.
2. **Federal Investigation Agency** Through its Director General Headquarter G-9/4 Sector Peshawar Mor, Islamabad.
3. **Manager Operations for F.I.A** Universal Testing Services (UTS) 278-A Nazimud-Din Road, F-10/1, Islamabad.
4. **Project Director National Response Centre for Cyber Crimes (NR3C), FIA** Headquarter G-9/4 Sector Peshawar Mor, Islamabad.

.....RESPONDENTS

WRIT PETITION:

UNDER ARTICLE 199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth:

1. That the addresses of the parties as given in the head note of this writ petition are correct for the purpose of their service.
2. That the petitioners are aggrieved of Publication of Advertisement dated: 02-12-2018 for recruitment/appointment of new Officers/Officials in the Federal Investigation Agency being in violation of the Appointment, Promotion and transfer Rules 2013 and through present petition prays for setting aside/declaring the said impugned Advertisement null and void, nullity in the

(3) 3

eyes of law, and against the settled rules. Copy of Advertisement is attached as **Annexure A.**

3. That the facts germane to the filing of present Writ Petition are that the petitioners are regular Employees of Federal Investigation Agency and have been serving the nation since long. Rules have been made for the Appointment, Promotion and transfer of Officers/Officials of Federal Investigation Agency upon the approval of the Federal Public Service Commission and Establishment Division (Federal Investigation Agency Appointment, Promotion and transfer Rules, 2013) by the Ministry of Interior Government of Pakistan and according to which Method, qualification and other conditions have been laid down for appointment of Officers/Officials. For example Additional Director General (BS-21), Director Investigation (BS-20), Additional Director Investigation (BS-19), **Deputy Director Investigation (BS-18) shall be appointed 100% on promotion basis** and said posts cannot be filled by initial appointment. **Similarly Assistant Director Investigation (BS-17) shall be appointed 60% by promotion and 40% by initial appointment.** Similarly Sub-Inspector (Investigation) and Assistant Sub-Inspector (Investigation) shall be appointed 50% by promotion and 50% by initial appointment. Sub-inspector (Driver), Assistant Sub-inspector (Driver), Head Constable (Driver), **Head Constable (investigation) shall be appointed 100% by promotion.** Copy of Rules is attached as **Annexure B.**

4. That it is crystal clear from the above Para that appointment of new Officers/Official in Federal Investigation Agency cannot be made purely by initially appointment method because this process will block the serving Officers/Officials from promotion and seniority resulting in irreparable loss and injury in shape of staying at one post for the whole service period. Therefore the Advertisement for new posts and all its process is against the rules as narrated above. The ministry of interior is under an obligation to firstly exhaust

the quota of departmental candidates against available posts through a separate selection process, which is exclusively meant for Officers/Officials of F.I.A. Only thereafter, the process against remaining percentage of posts can be initiated. The impugned Advertisement usurping the petitioners' quota is illegal and unlawful, hence liable to be struck down.

5. That it is also important to mention here that appointments of Officers of grade BPS-16 and above can only be made by the Federal Public Service Commission i.e. the candidates have to pass the test of Federal Public Service Commission but presently according to impugned Advertisement Universal Testing Service/Respondent No.3 is conducting the test for the appointment of new Officers/Officials in gross violation of Federal Investigation Agency Appointment, Promotion and transfer Rules, 2013, hence liable to be struck down.
 6. That it has been held in judgment cited as 2016 P L C (C.S.) 28 by the Honourable High Court (AJ&K) "It may be observed that a policy or notification cannot override the statutory rules framed by the Government under the statute. Instructions and policies cannot amend the statutory rules." Therefore the impugned Advertisement being against the rules is liable to be struck down. 2/12 Section 11
 7. That there is no other speedy, adequate and efficacious remedy available to the petitioners, except to invoke the constitutional jurisdiction of this Honorable Court.
- [Signature]

32

Any other appropriate relief which this honourable court deems fit and proper in the circumstances of the case may also be awarded. *o. p. s. m. 1*

awarded. R. A. Schlemmer

Through

Advocate High Court.
217-Subhan Centre
Moaj-e-Darya Road, Lahore.

حسن

Certified that this petition has arisen from violation/non-fulfilment of obligation under the law and that alternate remedy provided by law has been availed of by the petitioner.

As per instruction of my client, it is first petition on this subject.

ADVOCATE

Office of the
Additional Attorney General for Pakistan
Lahore

Dy. No. _____

Dated: 11-12-78

True Copy
In Case No. 288911
Examiner: H. (Writ Branch)
Lab. H. Court House

61279
COURT FEE IN APPLICATION
2/12/19

7
 Gany Supply Section
 Article 87 of
 Gany-e-Shanad Order

$$2/12$$