

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

20481 / Writ

04-Sep-2020

17710
B.B-17/0

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5/1

From,

The Deputy Registrar(Judicial),
Islamabad High Court,
Islamabad

To,

1_FOP through DG,
Pakistan Meteorological Department, H-8/2 Islamabad

2_FOP through Secretary,
Establishment Division, Cabinet Sectt, Islamabad

3_FOP through Secretary,
M/o Finance and Economic Affairs Finance Division Regulations Wing, Islamabad

Subject: W.P. 2382/2011 Service Upgradation

Muhammad Saeed etc-VS-Federation of Pakistan etc

Dear Sir,

I am directed to forward for information and immediate compliance a copy of this Court's order dated 27-08-2020 passed by Hon'ble Mr Justice Fiaz Ahmad Anjum Jandran in the above noted case

Yours Faithfully,

Assistant Registrar (Writ)

For Deputy Registrar (Judicial)

20159
17/9/2020

Decided Matter

1977
15/9/2020

DCA (CE)
16/9/20

443
16/9/20

ACLES
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17.9.20

E-1. (2020)

1051

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 2382/2011
Muhammad Saeed, etc.
Versus
Federation of Pakistan, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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27 08.2020	Mr. Abdul Shakoor Paracha and Ms. Wajiha Pervaiz, Advocates for petitioners. Ch. Muhammad Tahir Mehmood, learned AAG.
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Through the instant writ petition, petitioners have prayed for issuance of direction to the respondents to up-grade the post (Meteorological Assistant) from BPS-12 to BPS-15 in the light of Notification issued vide Office Memorandum No.F.6(4)R.1/ 2006 dated 29.06.2007.

2. The petitioners' case is that they were treated in a discriminatory manner by not giving effect of the Notification *ibid* regarding up-gradation of post of all Head Clerks/ Assistants from BPS-11 to BPS-14, to the petitioners, who are working with respondent No.1, as Meteorological Assistant in BPS-12, whereas all other Head Clerks/Assistants, who are working in BPS-11 with any of the government department, had been benefited by the said Notification and had been up-graded by three steps i.e. from BPS-11 to BPS-14, by the respondents 2&3. The petitioners preferred a joint departmental representation to the respondent No.1, who then moved recommendations to the respondents 2&3 to the effect that the post of petitioners be up-graded by two steps instead of three steps as



had been done with the post of Head Clerks/Assistants, which amounts to discrimination as the respondents 2&3 had up-graded the posts of Head clerks/Assistants, which were basically non-technical posts of BPS-11, by three steps.

3. Heard the learned counsel for the petitioners, learned AAG and examined the record.

4. The anomaly being pressed to seek direction has duly been responded by the respondents in terms that the prescribed qualification for the post of the petitioners is Graduation with science; the post of Meteorological Assistant is at par in terms of their pay scales. The disparity existed prior to the up-gradation of ministerial staff as meteorological assistant was placed in BS-12 and Assistant in BS-11. Previously, it was in favour of the petitioners while now equality is being espoused by suggesting the same BPS for same qualification levels. It is also the case of respondents which has also been recognized by the petitioners that the department had consistently been advocating for the up-gradation while the claim to the extent of award of BS-15 being farfetched has not been supported.

5. In recognition of the claim of the petitioners, the respondents issued an Office Order dated 08.08.2011, whereby on the approval and concurrence of respondents 2&3/ Establishment and Finance Divisions, the post of Meteorological Assistant along with