

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Bench-I:

Mr. Justice Syed Mansoor Ali Shah
Mrs. Justice Ayesha A. Malik

C.P.L.A.856-L/2015, C.P.L.A.857-L/2015 and C.P.L.A.1455-L/2020
(Against the order dated 10.02.2020 passed by the Lahore High Court, Lahore in W.P. No.236066/2018 and both orders dated 04.02.2015 passed by the Lahore High Court, Lahore in W.P. No.10322 and 10323/2014)

Government of the Punjab through Secretary, Higher Education Punjab, Lahore, etc. (In CP 856-L & 857-L/2015)
Chairperson, TEVTA Secretariat, Gulberg-III, Lahore, etc.

..... **Petitioner(s)**

Versus

Muhammad Ijaz
Ijaz Hussain
Shehbaz Sultan, etc

....**Respondent(s)**

For the petitioner(s): Mr. Baleegh uz Zaman, AAG, Pb.
(In all cases) a/w Mr. Umair Shahid, Legal Advisor, TEVTA.


For the respondent(s): Mr. Mahmood Ahmad Qazi, ASC.

Date of hearing: 24.03.2025

ORDER

Syed Mansoor Ali Shah, J.- Brief facts of the case are that the fathers of the respondents were transferred to TEVTA from the Higher Education Department, Government of the Punjab, but were never absorbed by TEVTA. During their posting at TEVTA they remained as civil servants and subsequently passed away. As TEVTA had adopted the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 ("Rules") regarding granting employment to one of the unemployed children or widow of an employee who died in service, the respondents applied for a post under the said provision. The respondents were appointed under TEVTA Service Regulations as per notification dated 07.08.2017 issued by TEVTA. The respondents joined TEVTA without raising any objections and have been working regularly at TEVTA:

ATTESTED


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2. The grievance of the respondents is that as they were appointed under Rule 17-A of the Rules, they may be granted the status of "civil servants". It is pointed out that the respondents applied to TEVTA for their employment and were appointed under TEVTA Service Regulations. On the other hand, "civil servant" is defined in Section 2 (b) of the Punjab Civil Servants Act, 1974 to mean a person who is a member of a civil service of the province or who holds a civil post in connection with the affairs of the province. TEVTA is a statutory body and its employees do not pass as "civil servants" and therefore the claim of the respondents is misconceived. The fact that the fathers of the respondents were "civil servants" have no bearing on the case, unless of course, the respondents had applied to the concerned department of the Provincial Government for employment under Rule 17-A of the Rules, which is not the case here. Hence, the respondents are at best regular employees of TEVTA, and cannot be vested with the status of a "civil servant". For the above reasons, we set aside the impugned order and uphold order dated 10.07.2014. Resultantly, the titled civil petitions are converted into appeals and allowed _____



Pd/------J
 Pd/------J
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