

In the Federal Constitutional Court of Pakistan
(Appellate Jurisdiction)

Bench:

Justice Aamer Farooq
Justice Syed Arshad Hussain Shah

C.P.L.A. Nos.5427 & 5409 of 2024

(On appeal from judgment of the High Court of Balochistan, Quetta dated 27.11.2024 passed in C.P. Nos.1052 of 2024 & 1094 of 2024)

Hamid Latif Rana, Ex-M.D. Quetta Water and Sanitation Authority
(in both petitions)

Petitioner

Versus

Government of Balochistan through Chief Secretary & others
(in both petitions)

Respondents

For the petitioner:
(in both petitions)

Mr. Kamran Murtaza, Sr. ASC

For the respondents:
(in both petitions)

Mr. Ayaz Khan Swati, Addl. Advocate
General Balochistan.
Hafiz Arfat Ahmed Chaudhry, ASC

Date of hearing:

10.3.2026

Judgment

Syed Arshad Hussain Shah, J: This judgment shall dispose of both the titled petitions as the same arise out of common judgment and based on similar facts and law.

2. The issue involved in the instant petitions cropped up on re-employment of the petitioner as Managing Director, Q-WASA w.e.f. 14.7.2024 after his retirement from the same position on 13.7.2024. Respondent No.4, who was working as Deputy Managing Director, Q-WASA, tried to assume the charge of the post on his own without any formal approval/appointment by the competent authority but was not allowed to do so. Rather it was recommended that a medical board be constituted to examine his mental health. Faced with this situation, respondent No.4 challenged re-appointment of the petitioner as well as constitution of medical board through filing writ petition No.1052/2024 with the following prayers:-

- a) The impugned notification No. SO-I/4-8/PHED/2024/ 1410-31, dated 10.07.2024, the impugned notification No.SO-111/0-1/PHED/2022/1203-16, dated 10.03.2024, the impugned letter No.US-I/4-8/PHED/1404-10, dated 18.7.2024, and the impugned letter, dated 15.07.2024, for constitution of Medical Board to examine the mental health of the petitioner, may kindly be declared as null and void, and of no legal effect;
- b) Direct official Respondents to appoint MD, Q-WASA, strictly in accordance with law, referring to the Quetta Water and Sanitation Authority Act, 2004, and the Quetta Water and sanitation Authority (Employee's Service) Regulations, 2011;
- c) Till appointment of the new MD, Q-WASA, petitioner may kindly be allowed to perform functions of the MD, Q-WASA.”.

Writ Petition No.1094 of 2024 was also filed by an Advocate as a *probono*, seeking almost similar reliefs.

3. Learned Division Bench in the High Court partly allowed the writ petitions in the following terms:-

“In view of what has been discussed herein above, we are inclined to partly allow the instant petition[s] and set aside the impugned notification No. SO-1/408/PHED/2024/1419-31 dated 19.7.2024 as well as impugned letter dated 15.7.2024. The Government of Balochistan is directed to fill-up/appoint MD, Q-QASA, amongst the BCS/BSS Officers immediately following the criteria provided by the Act of 2004.”.

4. Heard the learned counsel for the parties at some length. Learned Sr. ASC for the petitioner vehemently contended that the learned High Court, while passing the impugned judgment has treated the petitioner as civil servant, whereas the petitioner was a permanent employee of Q-WASA, which is a statutory body and his appointment was made under section 8 of Q-WASA Act, 2004, hence, rules governing BCS/BSS officers are not applicable in this case. He further submitted that the High Court had already dismissed a writ petition against the petitioner, therefore, second writ petition was not maintainable. While answering a query from the Court learned Sr. ASC for the petitioner submitted that main concern of the petitioner is that the impugned judgment shall not become a hurdle for consideration of his name for any such appointment in future.

5. On the other hand, learned Additional Advocate General Balochistan fully supported the impugned judgment and referred to Sr. No.1 of the Appendix-I to Q-WASA (Employee's Service) Regulations 2011,

which provides method of recruitment of the Managing Director (B-20) “**by transfer from amongst the BCS/BSS Officers**”, therefore, the petitioner was not eligible for re-employment.

6. We have heard the learned counsel for the parties and perused the record with their able assistance. If, for the sake of arguments, the plea of the learned counsel for the petitioner that the petitioner is not a civil servant is accepted, even then he falls within the category of a Government servant and, in terms of Serial No.21 of the Estacode, he does not fulfil the requirements for re-employment, particularly, when his re-appointment was strongly opposed by the Chief Secretary, Balochistan. Secondly, as per Section 8(1) (a) of the Q-WASA Act 2004, the Managing Director shall be appointed by “the Provincial Government”. Therefore, re-appointment of the petitioner was hit by the principle laid down in the case reported as Mustafa Impex versus Government of Pakistan (PLD 2016 SC 808).

7. Keeping in view the above, we do not see any illegality or irregularity as well as misreading or non-reading in the impugned judgement warranting interference by this Court. Resultantly, leave to appeal is refused and petitions are dismissed. No order as to costs.

Judge

Judge

Islamabad

10th March, 2026

Approved for reporting.

Riaz