

HIGH COURT OF AZAD JAMMU AND KASHMIR

Writ petition No.2171/2024.

Date of institution 28.08.2024.

Date of decision 25.06.2025.

Dr. Muhammad Maroof Khan, Professor BPS-21, Treasurer,
University of Kotli Azad Jammu and Kashmir.

....Petitioner

VERSUS

1. University of Kotli through its Registrar, University of Kotli Azad Jammu and Kashmir.
2. Vice Chancellor University of Kotli, Azad Jammu and Kashmir.
3. Registrar, University of Kotli Azad Jammu and Kashmir.
4. Senate University of Kotli, Azad Jammu and Kashmir through Registrar University of Kotli.
5. Dr. Kalim Ullah Bhat, Assistant Professor Department of Banking and Finance University of Kotli Azad Jammu and Kashmir.

....Respondents

WRIT PETITION

Before:- Justice Syed Shahid Bahar, J.

In presence of:

Syed Zulqarnain Raza Naqvi, Advocate for the petitioner.

Raja Amjid Ali Khan, Advocate for respondents.

Judgment:

Through this writ petition filed under Article 44 of the Azad Jammu and Kashmir Interim constitution, 1974, the petitioner is seeking infra relief:-

“It is, therefore, very humbly prayed on behalf of the petitioner that an appropriate writ may very kindly be issued in favour of the petitioner against the respondents whereby the impugned order dated 25.07.2024 may very graciously be quashed for being issued against the law and rules governing the subject and rights of petitioner as well in the best interest of justice. The respondents be further directed not to create any interference

in the lawful performance of duties of the petitioner as treasurer till appointment of Treasurer on regular basis.”

2. Succinct facts of the case are that petitioner is employee of University of Kotli and serving as Professor in the University of Kotli. He was promoted as Professor (BPS-20) on permanent basis vide notification dated 11.04.2016 and is now the senior most Professor of University of Kotli, AJ&K. Petitioner contended that the charge of Treasurer/DDO University of Kotli vide order dated 10.11.2022 was given to him and assumed the charge of the said position on 11.11.2022. Petitioner alleged that being the senior most Professor of the University he has been rendering his services against the post of Treasurer since pretty long time but the respondents against the law and rules as well as against the rights of the petitioner issued the impugned order dated 25.07.2024 and assigned the charge of Treasurer/DDO of the University to the private respondent who is a junior officer of the University. Petitioner vehemently contended that the impugned order is worst example of colorable exercise of powers on the part of the respondents as the respondents assigned the charge of the post held by the petitioner to a very junior officer. Petitioner averred that the act of the respondents is bad in the eye of law and is liable to be checked by this Court. Petitioner prayed that the impugned order dated 25.07.2024 may be set-aside and official respondents may be

directed until the appointment as Treasurer on regular basis, the petitioner may not be disturbed from his assigned additional responsibility/duties of Treasure/DDO which was given to him vide order dated 10.11.2022.

3. Written statement has been filed on behalf of respondents, wherein the claim of the petitioner has been negated in toto. They submitted that the petitioner has failed to point out any violation of law/statue, therefore, the petition is not maintainable. They vehemently contended that the petitioner has no locus standi to seek the protection of additional responsibilities assigned to him under Section 10(5)(a) of the University of Kotli Act, 2014 as such additional responsibilities are assigned temporarily and it was mentioned in the order dated 10.11.2022 that the said order shall remain intact till further orders. Finally, respondents prayed that the instant petition being meritless may be dismissed.

4. I have heard the learned counsel for the parties at some length and gone through the case with due care.

5. Through this petition, the petitioner has challenged the impugned order dated 25.07.2024 passed by University of Kotli Azad Jammu and Kashmir Academics/General Section, in favour of private respondent No.5. Petitioner prayed that the respondents may be directed not to create any interference in the lawful performance of duties of the petitioner as Treasurer till appointment of Treasurer University on regular basis.

6. Order dated 10.11.2022 shows that the petitioner, herein (Prof. Dr. Muhammad Mahroof Khan), was assigned to additional responsibilities as Treasurer University/DDO, University of Kotli AJ&K and in the said order it has clearly been mentioned that *“This order will come into force with immediate effect and remains continue till further orders.”* Admittedly the petitioner belongs to Teaching cadre and was assigned additional responsibilities as Treasurer under Section 10(5)(a) of the Act vide order dated 10.11.2022, which was issued purely for stopgap arrangement on temporary basis and same was valid till further orders.

7. Record further shows that the petitioner was arrested by Azad Jammu & Kashmir Ehtesab Bureau under investigation No.3414 on 23.07.2024 and the order impugned herein, dated 25.07.2024 had to be issued as the post of Treasurer could not be kept vacant because the petitioner was in custody of Ehtesab Bureau and his case is still under investigation and there are serious allegations of misappropriation and embezzlement against the petitioner pointed out through different audit paras.

8. As adumbrated, the appointment of the petitioner was purely made on temporary basis, for a short span of time or till further orders, thus, extension or enlargement in temporary arrangement is province of the relevant authority. Such like appointment cannot create any vested legal right in favour of the incumbent to ask for permanence or for that matter extension in

temporary appointment. Petitioner cannot claim the protection and continuance of an order purely temporary in nature. Furthermore, petitioner having accepted the condition of continuance of the order till further orders cannot seek a relief against the same as well as against the University Act.

9. Temporary/time being entry in the service creates no right at all in a way to seek relief which is not recognized by University Calendar.

10. Remedy of writ is an extraordinary relief bestowed by the Constitution, which is beautified with certain protocols, and first and foremost requirement which is to be established by the petitioner is violation of specific provision of law. Temporary employee cannot keep pace with regular employees.

11. Only aggrieved person by projecting a case of violation of law with clean hand and prompt attempt can find solace by invoking extraordinary writ jurisdiction of this Court.

12. In view of dichotomy of rules & regulation between the service affairs of permanent and temporary employees, the petition at hand is bereft of merit, fails, which is hereby dismissed. No order regarding costs.

File be taken to record room.

Muzaffarabad,
25.06.2025.

JUDGE