

Form No: HCJD/C-121

ORDER SHEET

LAHORE HIGH COURT LAHORE

JUDICIAL DEPARTMENT

Case No. W.P. No.27923 of 2024

Muhammad Shehzad **Versus** **Province of Punjab, 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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21.05.2024	Mr. Muhammad Javaid Iqbal Qureshi, Advocate along with the petitioner. Mr. Muhammad Saad Bin Ghazi, Assistant Advocate General alongwith Dr. Abdul Majeed Bhatti, Chief Executive Officer and Ishtiaq Ahmad, Head Clerk, District Health Authority, Khanewal.
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It is the case of the petitioner that he is employee of District Health Authority, Khanewal and hence, bar contained under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 is not attracted and the impugned transfer order dated 04.04.2024 has been passed against the applicable service rules of respondent-District Health Authority. It has been further contended that the impugned order has been issued despite the fact that ban was imposed by the Chief Minister, Punjab.

2. Without delving into the merits of the case, it is noted that when the case was admitted on 08.05.2024, it was pleaded on behalf of the petitioner that in an identical matter bearing W.P. No.34596/2023, the petitioner therein was granted interim relief in the terms that if the impugned order (transfer order of the said petitioner) had not been implemented, the same shall remain suspended and therefore, the petitioner is entitled to same relief. The present petitioner was granted stay order on the same terms i.e., if the impugned transfer order has not been acted upon, the same shall remain suspended. Subsequently, the

petitioner filed Crl. Org. No.30902/2024 with the averments that the respondents in a blatant display of contumacy and highhandedness have forged the relieving order and also forged signature of the petitioner on the dispatch register. Today when the present case was taken up for argument, learned Law Officer, at the outset, has sought permission to submit copy of application submitted by the petitioner whereby, pursuant to the impugned transfer order, the petitioner himself has submitted his joining report on 15.04.2024. Learned Law Officer contends that the joining report has been concealed by the petitioner from this Court when the case was heard on 08.05.2024. The document has been taken on record as “**Mark-A**”.

3. The petitioner who is in attendance has been confronted with the application (Mark-A), who has admitted its genuineness in open Court. There is no plausible explanation available with the petitioner regarding the concealment of the said material facts from this Court, however, on his instructions, his learned counsel reiterated that the respondents have also committed forgery while preparing forged relieving order, which is subject matter of the connected Crl. Org. No.30902-W of 2024.

4. Heard.

5. Any forgery and/or interpolation, by the disptach department of the respondents, with the relieving order and its receipt is out of the scope of the present petition, being the subject matter of the Crl. Org. No.30902-W of 2024 and will be decided accordingly. For the purposes of the

present petition, the concealment on the part of the petitioner and its effect is the moot point as it goes to the very inception and basis of the present petition and, as the adage goes, two wrongs do not make a right. The wrong doing on part of the respondents, if any, does not justify the concealment on the part of the petitioner in order to obtain interim relief while approaching this Court.

6. Suffice to observe that the jurisdiction of this Court, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, is extraordinary, equitable and discretionary and the prerogative writs, contemplated therein, are issued for enforcement of fundamental rights and/or, as the case may be, to inhibit and/or rectify any illegality and unlawfulness on part of the executive. It is, therefore, of utmost necessity that the petitioner who invokes this jurisdiction must come with clean hands and put forward all the facts before the Court without concealing or suppressing anything. If there is no honest disclosure of all the relevant and material facts or the petitioner is guilty of misleading the Court, his petition must be dismissed at its inception, without considering the merits of the claim. Concealment of fact is a serious issue, which amounts to playing fraud upon the Court. How consequential and fundamental such concealment might turn out to be is aptly displayed by the present case. Had the fact of joining, at the new place of posting, on 15.04.2024 been revealed in the petition, the interim order dated 08.05.2024 would not have been issued by this Court nor any occasion or cause for contempt petition would have arisen. Fraud as is well-known vitiates the most solemn proceedings. Fraud and justice never dwell

together. At the cost of repetition, it is reiterated that the Courts of law are meant for imparting justice between the parties and a petitioner approaching the Court with unclean hands renders the stream of justice sullied. I am constrained to observe that more often than not, process of the Court is being abused by unscrupulous persons from all walks of life and such abuse of process is considered by such litigants as a convenient device to achieve and retain their illegal objectives and designs. Unfortunately, this practice is spreading its tentacles on wider planes primarily on account of leniency exhibited towards such litigants as they generally go off scot-free. Therefore, I am of considered view that a person, like petitioner, whose case is based on concealment and falsehood, has no right to approach the Court and such litigant must be summarily thrown out at any stage of the litigation, with costs.

7. In view of the preceding discussion, this petition is **dismissed** with cost of Rs.100,000/-, which shall be deposited in Lahore High Court Bar Association Dispensary, within a period of 15-days from today and receipt thereof be submitted with the Office. In case of failure, the same shall be recovered as arrears of land revenue.

(ANWAAR HUSSAIN)
JUDGE

Approved for reporting

Judge