

IN THE SUPREME COURT OF PAKISTAN  
(ORIGINAL JURISDICTION)

**PRESENT:**

MR. JUSTICE MIAN SAQIB NISAR, HCJ  
MR. JUSTICE FAISAL ARAB  
MR. JUSTICE IJAZ UL AHSAN

**CRIMINAL ORIGINAL PETITION NO. 36 OF 2017 IN CRIMINAL ORIGINAL PETITION NO. 89 OF 2011, CRIMINAL ORIGINAL PETITION NO. 57 OF 2017 IN CRIMINAL REVIEW PETITION NO. 131 OF 2016 AND CRIMINAL ORIGINAL PETITION NO. 105 OF 2017 IN CRIMINAL REVIEW PETITION NO. 131 OF 2016**

(Against the alleged contempt of this Court's order dated 12.06.2013 passed in Criminal Original Petition No. 89/2011 etc and order dated 21.02.2017 passed in Criminal Review Petition Nos. 131 & 133 of 2016)

Zulfiqar Ahmed Lilla and others	(In Cr.O.P. 36/2017)
Zulfiqar Ahmed Lilla	(In Cr.O.P. 57/2017)
Rizwan Ahmed Qazi and others	(In Cr.O.P. 105/2017)
	... Petitioners

**VERSUS**

I.G. Police, NH & MP, Islamabad	(In all cases)
	... Respondents

For the Petitioners:	Rai Muhammad Nawaz Khan Kharal, ASC a/w petitioners in person
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For the Respondent:	Ch. Amir Rehman, Addl. Att. General Mr. M.S. Khattak, AOR
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Date of Hearing:	05.10.2018
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**JUDGMENT**

**FAISAL ARAB, J.**- Petitioners in all these petitions were civil servants working in different government departments. Upon creation of National Highway and Motorway Police ('NH&MP'), their services were entrusted to it on deputation basis and were later permanently absorbed. Then came the judgment of this Court in the case of contempt proceedings against Chief Secretary, Sindh etc (2013 SCMR 1752) and in compliance thereof their absorption was nullified and they were repatriated to their parent departments. Being aggrieved by such decision, some of the petitioners filed Criminal Review Petition Nos. 131 & 133 of 2016,

which were disposed of vide order dated 21.02.2017. It was held that *"all those employees who are in BPS-1 to BPS-7 will not be repatriated to their parent departments, rest of the employees who are not in regular police and are not in uniform shall be repatriated to their parent departments, as if they were never absorbed in the Motorway Police."* These three criminal original petitions were filed taking the plea that the respondent is not implementing the judgments of this Court passed in Criminal Original Petition No. 89/2011 and Criminal Review Petition Nos. 131 & 133 of 2016 in their true perspective so contempt proceedings may be initiated against him. The case of the repatriated employees is that the direction of this Court passed in Criminal Review Petition Nos. 131 & 133 of 2016 has been wrongly interpreted as they are regular employees of the Police department; that the judgment passed in Criminal Original Petition No. 89/2011 was only meant for civil servants in Sindh and that the matter with regard to their permanent absorption had attained finality and thus could not have been reopened.

2. This Court in Criminal Review Petition Nos. 131 & 133 of 2016 has specifically held *"all those employees who are in BPS-1 to BPS-7 will not be repatriated to their parent departments...."* Hence, only those employees who were originally inducted in NH&MP from BPS-1 to BPS-7 are not be repatriated, the rest have to be. The respondent Department is directed to strictly follow this principle. So far as the issue that judgment of this Court passed in Criminal Original Petition No. 89/2011 was only meant for civil servants in Sindh is concerned, suffice it is to state that in the said

judgment, this Court has settled the fate of all employees who were sent on deputation, therefore, it is to be uniformly applied to the rest of the provinces as well.

3. For what has been discussed above, these contempt petitions are disposed of.

CHIEF JUSTICE

JUDGE

JUDGE

Islamabad, the  
5<sup>th</sup> of October, 2018  
Not Approved For Reporting  
Khurram