

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

MR. JUSTICE TASSADUQ HUSSAIN JILLANI, HCJ
MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE ANWAR ZAHEER JAMALI
MR. JUSTICE ASIF SAEED KHAN KHOSA
MR. JUSTICE EJAZ AFZAL KHAN

CONSTITUTION PETITION NO. 9 OF 2014

(Constitution petition under Article 184 of the Constitution regarding seniority of the Judges of Lahore High Court, Lahore)

Muhammad Aslam Awan, ASC

... Petitioner

VERSUS

Federation of Pakistan and others

... Respondents

For the Petitioner: Mr. Zaka ur Rehman, ASC

On Court Notice: Mr. Salman Aslam Butt, Attorney General
Kh. Saeed uz Zafar, Addl. Attorney General
Mr. Sajid Ilyas Bhatti, Deputy Attorney General
Mr. Waqar Rana, ASC, Consultant to Attorney General

Date of Hearing: 06.05.2014

ORDER

TASSADUQ HUSSAIN JILLANI, CJ.- For reasons to be recorded later in the detailed judgment, we hold and declare as under:-

- i) that the *inter se* seniority of Judges of a High Court shall reckon from the order and date of their appointment as Additional Judges of that Court;
- ii) that the *inter se* seniority of Additional Judges of a High Court appointed vide the same order and date shall reckon from their seniority in age. If appointment of two or more service candidates is simultaneously

made with that of the candidates from the Bar, the service Judges shall retain their existing seniority in the department regardless of their age, though that would be the determining factor in respect of their seniority viz a viz the candidates from the Bar. This principle has consistently been followed without exception ever-since the establishment of the High Courts in Pakistan and is even otherwise in accord with the equitable dispensation of justice.

2. With the above observations and declaration, this petition is dismissed.

CHIEF JUSTICE

JUDGE (HJ-1)

JUDGE (HJ-3)

JUDGE (HJ-5)

JUDGE (HJ-8)

Islamabad, the
6th of May, 2014
Approved For Reporting
Khurram