

**IN THE SUPREME COURT OF PAKISTAN**

(Original Jurisdiction)

**PRESENT:**

**Mr. Justice Iftikhar Muhammad Chaudhry, CJ**

**Mr. Justice Jawwad S. Khawaja**

**Mr. Justice Sh. Azmat Saeed**

**CONSTITUTION PETITION NO.115 OF 2011**

Abdul Raheem Ziaratwal and another

Versus

Federation of Pak. etc.

For the petitioners: Syed Iftikhar Hussain Gillani, Sr. ASC  
Mr. M. S. Khattak, AOR  
assisted by Barrister M. Saad Buttar, Advocate

For rspdt. Nos.1-4: Nemo.

For rspdt. Nos.5-6: Kh. Haris Ahmed, Sr. ASC  
Mr. Arshad Ali Chaudhry, AOR

For rspdt. Nos.7-8: Mr. Shakeel Ahmed Baloch,  
A.G. Balochistan.

Alongwith

**CONSTITUTION PETITION NO.20 OF 2013**

(Action against Distribution of Development  
funds by Ex-Prime Minister Raja Parvaiz  
Ashraf)

**AND**

**HUMAN RIGHTS CASE NO.11504-G OF 2013**

(News clipping from daily Al-Akhbar dated 25.3.2013  
regarding alleged corruption of Ex-Government.)

**AND**

**CIVIL MISC. APPLICATION NOS.2960, 3566, 3579,  
3649, 3865, 4022, 4135, 4208, & 4498/2013**

(Applications for impleadment as party)

For the Applicants: Mr. Tariq Mehmood, Sr. ASC

(CMA-2960 & 3566/13)  
 Mr. M. Munir Peracha, Sr. ASC (Absent)  
 (In CMA No.3579/13)  
 Syed Tayyab Jaffri, ASC (Absent)  
 (In CMA-3649/13)  
 Syed Zafar Abbas Naqvi, AOR with  
 Mr. Irfanullah, Adv./SVP, DBA Lucky Marwat  
 (CMA-3865/13)  
 Mr. Asif Fasihuddin Virdag, ASC  
 (CMA-4022/13)  
 Mr. M. Siddique Khan Baloch, ASC (Absent)  
 (CMA-4135/13)  
 Mr. Shahid Mahmood Khokhar, ASC  
 (In CMA No.4208/13)

On Court's Notice: Mr. Muneer A. Malik,  
 Attorney General for Pakistan, assisted by  
 Mr. Faisal Siddiqui, Adv.

For AGPR: Mr. Tahir Mehmood, AGPR

For Auditor  
 General of Pakistan: Malik Manzoor Akhtar, D.G. Audit  
 Rana Sahakeel Asghar, Director Audit  
 Mr. M. Munawwar Rana, A.O.

For M/o H & W: Mr. Sajid Ilyas Bhatti, DAG  
 Mr. M. S. Khattak, AOR with  
 Mr. Aurangzeb Marral, Deputy Secretary

For Pak PWD: Sardar Asmatullah Khan Niazi, ASC  
 Mr. Sarwar Awan, D.G.  
 Mr. Ata ul Haq, CE

For M/o Finance: Mr. Sajid Mehmood Butt, ASC  
 Mr. Arshad Ahmed, F.A. (Cabinet)  
 Dr. G. M. Mahmoodi, Sr. JS  
 Mr. Seerat Asghar, former SSPM/  
 Secy NFS & R

For Cabinet Div.: Ch. Zafar Amin JS(PWP)  
 Mr. Masood Ahmed, JS (NPS)

For SSGCL: Mr. Muhammad Asif Khan,  
 Chief Finance & Accounts Officer.  
 Mr. Asim Iqbal, ASC  
 Mr. Asif Fateh Sheikh, GM (Legal)

Mr. Shahir Aleem, GM (Sales)

For SNGPL: Mr. Uzair Karamat Bhandari, ASC  
Mr. Arif Hameed, MD, SNGPL

For PEPCO: Mr. Zaigham Ishaq, MD, PEPCO

Mr. Amjad Manan, Chief Engr. (RE)

For Parliamentarians: Mr. Wasim Sajjad, Sr. ASC  
(On behalf of Raja Parvaiz Ashraf, Ex-PM)  
Mian Abdul Rauf, ASC  
(On behalf of Mr. Ghias Mela, Ex- MNA, Mr. Anwar Ali Cheema, Ex-MNA, Mr. Amir Sultan Cheema, Ex-MPA)

Mr. Moula Bakhsh Chandio,  
Ex-Law Minister, In person

Mr. Liaqat Ali Shabab, Mr. Muhammad Hamayat Khan, Syed Muhammad Ali Shah Bacha, Ex-MPAs, KPK Assembly.  
Ex-MPA, KPK  
(All in person)

Date of hearing: 16-18 & 22.7.2013.

### **ORDER**

**IFTIKHAR MUHAMMAD CHAUDHRY, CJ.-** As far as the judgment in listed Constitution Petition No.115 of 2011 instituted by petitioner Abdul Rahim Ziaratwal and connected Constitution Petition No.20/2013 on the subject “Action against Distribution of Development Funds by Ex-Prime Minister of Pakistan Raja Parvez Ashraf”, is concerned, the same is reserved.

2. However, in the meanwhile, with regards to the Schemes initiated out of the funds allocated to the PWP-II, the Executing Agencies are directed to undertake an exercise and examine across the board all the Schemes so as to ascertain as to whether the PEPRAs Rules

have been strictly followed and whether the development works were assigned to the Contractors in a transparent manner keeping in view the recognized standards for award of execution of such works; and whether the said schemes were based on feasible reports. If such Schemes are found to be in accordance with the conditions and observations made hereinabove the payments to the Contractors may be released to the extent of the work already completed.

3. As far as the left over work is concerned, it should be examined as to whether the same is in the public interest and is feasible to continue execution of the said schemes. If such schemes are found not to be in the public interest or feasible, the same shall be abandoned subject to the approval of the Competent Authority i.e. on whose behalf the Schemes were initiated; and the funds so made available shall be deposited with the public exchequer. The said Competent Authority shall also examine the possibility of proceeding further against such persons or agencies, who had allowed the execution of the works/schemes contrary to the PEPRA Rules, proper feasibilities or without following a transparent manner; before the Forums having jurisdiction to deal with such issues both civil as well as criminal, as the case may be.

Chief Justice

Judge

Islamabad, the  
22<sup>nd</sup> July, 2013  
Not approved for reporting  
*M. Safdar Mahmood/\**

Judge