

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ.
MR. JUSTICE JAVED IQBAL
MR. JUSTICE MIAN SHAKIRULLAH JAN
MR. JUSTICE TASSADUQ HUSSAIN JILLANI
MR. JUSTICE MIAN SAQIB NISAR
MR. JUSTICE SARMAJAL JALAL OSMANY
MR. JUSTICE AMIR HANI MUSLIM

INTRA COURT APPEAL NO. 3 OF 2011

Mr. Justice Hasnat Ahmed Khan	...	APPELLANT
-------------------------------	-----	-----------

INTRA COURT APPEAL NO. 4 OF 2011

Mr. Justice Syed Shabbar Raza Rizvi	...	APPELLANT
-------------------------------------	-----	-----------

VERSUS

Federation of Pakistan/State	...	RESPONDENT
------------------------------	-----	------------

For the appellants:	Dr. A. Basit, Sr. ASC. Mr. Arshad Ali Chaudhry, AOR
---------------------	--

Respondent:	Not represented.
-------------	------------------

Date of hearing:	18.02.2011
------------------	------------

...

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ. - Listed appeals filed on behalf of Justice Hasnat Ahmed Khan and Justice Syed Shabbar Raza Rizvi have been fixed before this Special Bench in pursuance of request made on their behalf by their learned counsel. He has concluded his arguments.

2. Immediately thereafter, Mr. S.M. Zafar, learned Sr. ASC and other learned counsel present in Court have informed that against the same judgment few other appeals have been filed, therefore, it will be appropriate that all the cases are clubbed and disposed of together, after hearing them. It is to be noted that on the request for hearing of the case made by the learned counsel appearing for the appellants, instant Bench was constituted. No other request for fixation of the other cases was received by the office within time; therefore, the same were not fixed along with these appeals. Be that as it may, in the interest of justice, we consider it appropriate to allow the learned counsel appearing in other appeals to make application for hearing of their cases before this Bench today till 2:30 p.m. and on receipt of such application for urgent hearing, the cases shall be fixed on 21.02.2011 before this Bench.

3. The Registrar has put up following note: -

"The Worthy Registrar, Peshawar High Court informed me that Mr. Justice Jehanzeb Rahim passed an order on 17.02.2011 in his Chambers to issue contempt notices to some Hon. Judges of the Supreme Court, even though no such contempt proceedings were pending in the Peshawar High Court. However, the Hon. Chief Justice, Peshawar High Court initially took up the matter on the administrative side and passed an order on the same day saying that the order is passed in vacuum, hence need not be acted upon by the office. That today this matter was examined on the judicial side by a 3-member bench, which set aside the said order."

It seems that the persons whose cases are pending before the 4-Member Bench of this Court, instead of obeying the orders of the Court have started making attempts to undermine the authority of the Hon'ble Judges of this Court, particularly the Hon'ble Members of the Bench and have issued notices to all of them to appear, as has been done by Justice Jehanzeb Rahim of the Peshawar High Court, according to the note reproduced hereinabove. Although the order

passed by him has been set aside by the Peshawar High Court on the judicial side, but in order to preserve and protect the dignity and respect of the Hon'ble Judges of the Bench seized with the matter as well as other Judges of this Court, and in order to ensure that system of administration of justice and honour of this institution including High Courts and District Courts is preserved, we are constrained to pass order that all the six Judges, namely, Syed Shabbar Raza Rizvi, Hasnat Ahmed Khan, Syed Hamid Ali Shah and Syed Sajjad Hussain Shah (Lahore High Court), Justice Ms Yasmeen Abbasey (High Court of Sindh), Justice Jehanzeb Rahim (Peshawar High Court) and Justice Sayed Zahid Hussain (Supreme Court) shall not pass any such order against the Members of the Bench or the Judges of the Supreme Court, and if any such order is passed by them, the same shall have no legal or binding effect upon this Court as well as any other functionaries in the country and shall be deemed to be an order, which is not in existence at all.

IFTIKHAR MUHAMMAD CHAUDHRY, CJ.

JAVED IQBAL, J.

MIAN SHAKIRULLAH JAN, J.

TASSADUQ HUSSAIN JILLANI, J.

MIAN SAQIB NISAR, J.

SARMAD JALAL OSMANY, J.

AMIR HANI MUSLIM, J.

Islamabad,

February 18, 2011

APPROVED FOR REPORTING