

JUDGMENT SHEET
ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No.2564 of 2020

Tariq Badar

Versus

Federation of Pakistan and others

Petitioner by: Dr. G. M. Chaudhry, Advocate.

Respondents No.1 to 6 by: Mr. Muhammad Fahad Tareen, AAG.

Respondent No.7 by: Sardar Zulqarnain, SPP, NAB.

Respondent No.8 by: Mr. Mehmood Nazir Rana, Law Officer/SBP.

Respondent No.9 by: Mr. Husnain Raza, SPP, SECP.

Respondents No.10 to 15 by: Mr. Usman Jillani, Advocate along with Zeeshan Haider, Manager (Legal) NBP.

Date of Hearing: 14.10.2025.

INAAM AMEEN MINHAS, J.- Through the instant writ petition, the petitioner has challenged the circular No.04/2016, dated 15.01.2016 (“**Impugned Circular**”) issued by respondent No.13 in pursuance of letter No.F.1(56) Bkg-111/2015/2098, dated 30.12.2015 of Finance Division (Internal Finance Wing), whereby the employees of the National Bank of Pakistan (“**NBP**”) having their existing/valid passports mentioning “Government Officer” were directed to change their occupation column to prevent any offence under Passport Act and that now the employees of NBP are exempted to obtain necessary NOC from Head Office, for obtaining international passport in future.

2. Brief facts are that the petitioner, Secretary-General of the NBP Retired Executives/Officers Welfare Association (Registered), is a law-abiding citizen, who believes in the principles of rule of law, equality, and fair play and cannot ignore acts of illegality and unconstitutionality committed by public functionaries or those beneficiaries of such actions to the detriment of the public exchequer. The National Bank of Pakistan (NBP), established under the National Bank of Pakistan Ordinance, 1949 (Ordinance No. XIX of 1949) ("**NBP Ordinance**"), is one of Pakistan's oldest financial institutions. Its employees are governed by the National Bank of Pakistan Bye-laws, 2015 ("**NBP Bye Laws**"), and the NBP (Staff) Service Rules, 1973 ("**NBP Service Rules**"), which classify its staff as permanent employees. Respondent No. 13, however, issued Impugned Circular based on letter F. No. 1(56) Bkg-III/2015-2098, dated 30.12.2015, declaring that NBP employees are not government, civil or public servants and requested the employees having their existing/valid passport mentioning as "Government Officer" to change their occupation column, to prevent any offence under Passport Act and now the employees are exempted to obtain necessary NOC from Head Office, for obtaining international passport in future.

3. The learned counsel for the petitioner contended that the employees of NBP are in service of Pakistan as they are performing their functions in connection with affairs of the Federation under the provisions of NBP Ordinance, NBP By Laws and NBP Service Rules as such they fall within category of public servants; that due to this illegal policy of respondents No.10 and 11, the NBP is suffering huge loss as the persons involved in major embezzlements and financial misappropriation left Pakistan after obtaining private passports; that without seeking NOC from the bank authorities obtaining passports by the employees, it would be practically impossible for law enforcement agencies to nab any embezzler or cheater of NBP, therefore, Impugned Circular may be set aside.

4. The learned AAG on behalf of respondents No.1 to 6 and the learned counsel for respondents No.10 to 15/NBP contended that the question raised by the petitioner in the instant writ petition that the employees of NBP are public servants within the meaning of section 21 of PPC is only for application of provisions of sections 162, 163, 164, 165, 166, 167, 168, 169 & 409 of PPC and these provisions do not confer the status of employees of NBP as public servants; that Impugned Circular and the letter on the basis of which the Impugned Circular was issued, were assailed before the Peshawar High Court in a writ petition, which was dismissed and the said dismissal order was assailed before the Honourable Supreme Court in a civil petition, which was also dismissed, therefore, this writ petition is liable to be dismissed.

5. I have heard arguments of the learned counsel for the parties and perused the record.

6. Perusal of the record reveals that an officer of NBP assailed the Impugned Circular and letter No. 1(56) Bkg-111/2015/2098, dated 30.12.2015 of Finance Division (Internal Finance Wing), on the basis of which the Impugned Circular was issued, before Peshawar High Court in Writ Petition No.4666-P/2018, which was dismissed vide judgment dated 01.10.2019. The said decision was assailed before the Honourable Supreme Court in C.P No.4294/2019, which was too dismissed vide judgment dated 25.11.2022 while discussing status of the employees of NBP in paragraph 5 of the judgment as under:-

“The definition of “public servant” as provided in Section 21 of the PPC is only for the purpose of application of the provisions of that substantive criminal law, as well as of the related procedural criminal law, the Code of Criminal Procedure 1898, and the extended definition of that term as given in Explanation of Section 161 (which brings the employees of any corporation or other body or organization set up, controlled or administered by, or under the authority of, the Federal Government, within the ambit of the term “public servant”) is only for the purpose of application of that Section and Sections 162, 163, 164, 165, 166, 167, 168,

169 and 409 of the PPC. These definitions do not confer any civil status, capacity or position on the persons falling in the scope thereof. In the present case, the matter relates to the civil status of the employees of the NBP to be mentioned in their passports, not to the application of certain provisions of the criminal laws to them or to the functions performed by them. The reference by the petitioner to the definition of “public servant” as provided in a criminal law, the PPC, for claiming the civil status of being a government servant/officer is therefore misconceived. The NBP, as per Section 3(2) of the National Bank of Pakistan Ordinance 1949, is a body corporate, and its employees are employees of a statutory corporation, not of the Federal Government. They are therefore not “government servants” or “civil servants” as defined in the Civil Servants Act 1973.”

7. Since the Peshawar High Court has already adjudicated upon the writ petition, in which the Impugned Circular and the letter No.F.1(56) Bkg-111/2015/2098, dated 30.12.2015 on the basis of which the Impugned Circular was issued and decision of the Peshawar High Court has been upheld by the Honourable Supreme Court of Pakistan, this writ petition stands **dismissed**. No order as to costs.

(INAAM AMEEN MINHAS)
JUDGE

Announced in open Court on 31.10.2025.

JUDGE