

JUDGMENT SHEET
LAHORE HIGH COURT, MULTAN BENCH,
MULTAN

JUDICIAL DEPARTMENT

W. P. No. 14896 of 2025

Jawad Gulraiz Khan

VERSUS

Additional District Judge, Multan and 14 others

JUDGMENT

Date of Hearing:	08.12.2025
Petitioner by:	Mr. Waqar A. Sheikh, Advocate
Respondents No. 3 & 4 by:	Mr. Murid Hussain Makwal, Advocate Mr. Amir Aziz Qazi, Advocate
Respondent No. 5 by:	Rana Ghulam Hussain, Assistant Attorney General Mr. Bashir Ahmad Buzdar, Assistant Advocate General
Respondent No. 6 by:	Mian Nazar Muhammad Arain, Advocate
Respondents No. 7 & 8 by:	Mr. Muhammad Ali Siddiqui, Advocate
Respondents No. 9 to 15 by:	Sh. Jamshed Hayat, Advocate Mr. Abdul Samad Ali, Advocate Mr. Muhammad Ilyas Jamil, Advocate

ABID HUSSAIN CHATTHA, J: This constitutional Petition is directed against the impugned Orders dated 30.10.2025 and 20.11.2025 passed by Civil Judge and Additional District Judge, Multan, respectively, whereby, an application for temporary injunction under Order XXXIX, Rules 1 & 2 of the Code of Civil Procedure, 1908 (the “CPC”) with reference to suit for declaration, cancellation, permanent and mandatory injunction with consequential relief of the Petitioner against Respondents No. 3 to 15 was concurrently declined.

2. At the outset, it is noted that this Petition is fixed before this Court as an urgent case. However, all the contesting Respondents are represented through their respective learned counsels who submitted their power of attorneys, as

such, there is no need to issue notice and with the consent of learned counsels, arguments have been heard for decision of this Petition.

3. The Petitioner averred in his plaint that he is a member of WAPDA Employees Cooperative Housing Society Limited Multan (the “**Society**”) which is a private cooperative housing society registered under the Punjab Cooperative Societies Act, 1925 (the “**Act**”) and is governed by its approved bye-laws. As such, the Society is managed by an elected Management Committee under its bye-laws. The election of the Managing Committee is conducted in accordance with the Model Election Rules (the “**Model Election Rules**”) adopted by the Society under the supervision of a designated Election Committee appointed by the Registrar Cooperative Societies, Punjab. The next election of the Management Committee of the Society is being held under the applicable provisions of the Act read with Cooperative Societies Rules, 1927 (the “**Cooperative Rules**”) and Model Election Rules. No person is eligible to contest the election of the Management Committee of the Society, if he suffers from any of the disqualifications. Any Government Servant who fails to submit No Objection Certificate (the “**NOC**”) from his Department is disqualified to contest the election of the Management Committee of the Society. Multan Electric Power Company Limited (the “**MEPCO**”) was incorporated in 1998 under the Company Law of Pakistan as a distribution company. MEPCO has adopted the Pakistan WAPDA Employees (Efficiency and Discipline) Conduct Rules, 1978 (the “**Rules**”) for its human resource and Rule 14(2) whereof restricts its employees to associate with any private trust, foundation or housing society or similar other institution which is not sponsored by MEPCO or the Government. Nevertheless, recently MEPCO has amended Rule 14(2) of the Rules through its Board of Directors in its 217th meeting held on 18.07.2024 and thereafter, Chief Executive Officer (the “**CEO**”), MEPCO has granted NOCs to Respondents No. 9 to 15 to contest the election of the Society. The said Respondents are regular employees of MEPCO who have submitted their nomination papers for contesting the election of the Management Committee of the Society. This act of the Board of Directors of MEPCO of amending Rule 14(2) of the Rules followed by the act of the CEO, MEPCO regarding grant of NOCs to the regular employees of MEPCO allowing them to contest the forthcoming election is unlawful for the reasons, *inter alia*, that Board of

Directors of MEPCO was not competent to amend Rule 14(2) of the Rules; CEO, MEPCO was not competent to issue NOCs to Respondents No. 9 to 15; even the exception created in the amended Rule is limited to a housing society sponsored by WAPDA or MEPCO and does not apply to the Society which is a private cooperative housing society; no sponsored society of MEPCO exists within its jurisdiction; WAPDA itself at many forums had disowned the Society as sponsored by it and has taken action against the Society for unlawfully using the name of WAPDA; previously, act of granting of NOCs to the regular employees of MEPCO to contest the election of the Society was set aside in W.P. No. 7848 / 2022 decided on 08.06.2022 which Order was upheld in I.C.A. No. 169 / 2022 vide Judgment dated 07.09.2022 and ultimately, C.A. No. 440 / 2023 was withdrawn from the Supreme Court of Pakistan by the Petitioners therein vide Order dated 24.10.2025 after the amendment in Rule 14(2) of the Rules with permission to raise any new grievance before the appropriate forum; and the amendment made in the Rules is also beyond the scope of Memorandum and Articles of Association of MEPCO. Accordingly, it was primarily prayed that the decision of amending Rule 14(2) of the Rules by the Board of Directors of MEPCO be set aside; the grant of NOCs by the CEO, MEPCO be declared unlawful and without jurisdiction and in consequence thereof, Respondents No. 9 to 15 be restrained to participate in the forthcoming election of the Society. Interim relief was sought to suspend the NOCs granted to Respondents No. 9 to 15 and by restraining them to contest the election of the Society.

4. The suit is being contested by the Respondents on legal and factual plane. In rebuttal to the application for temporary injunction, it is submitted that Respondents No. 9 to 15 submitted their nomination papers in accordance with Rule 3(k) of the Model Election Rules after obtaining valid NOCs from the CEO, MEPCO pursuant to amended Rule 14(2) of the Rules which has been legitimately amended by the Board of Directors of MEPCO. The nomination paper of Respondent No. 14 was successfully objected by the Petitioner before the Election Sub Committee of the Society vide Order dated 31.07.2025, whereafter, the Registrar Cooperative Societies, Punjab accepted an Appeal against the said Order on 11.08.2025, thereby, accepting the nomination paper of Respondent No. 14 and a Revision Petition of the

Petitioner was also dismissed by the Secretary Cooperative Societies, Punjab vide Order dated 15.08.2025. The latter's Order has been challenged by the Petitioner in W.P. No. 10201 / 2025 which is separately *sub judice* before this Court. Similarly, W.P. No. 10196 / 2025 with the same facts with reference to nomination paper of Respondent No. 11 is also separately *sub judice* before this Court. As such, primary grievance of the Petitioner challenging the power of the Board of Directors of MEPCO to amend Rule 14(2) of the Rules and subsequent act of the CEO, MEPCO of granting NOCs to Respondents No. 9 to 15 require recording of evidence, hence, Respondents No. 9 to 15 cannot be restrained from contesting the election of the Society when the matter falls within the ambit of Cooperative Laws.

5. Arguments heard. Record perused.

6. At the heart of the controversy is the amended Rule 14(2) of the Rules which reads as under:-

“Notwithstanding anything contained in sub-rule (1), no MEPCO employee shall associate himself / herself with any private trust, foundation, housing society or other similar institution which is not sponsored by the authority / government except MEPCO (WAPDA) Housing Societies located within the territorial jurisdiction of MEPCO.”

The above amended Rule is admittedly approved in 217th meeting of Board of Directors of MEPCO which is an independent company incorporated under the Company Law of Pakistan, run and managed by its Board of Directors. In pursuance thereof, the CEO, MEPCO granted NOCs to Respondents No. 9 to 15 to contest the election of the Management Committee of the Society in line with Rule 3(k) of the Model Election Rules. The power of the Board of Directors of MEPCO to amend the Rules and power of the CEO, MEPCO to grant NOCs pursuant thereto is subject matter of the suit which can be resolved after recording of evidence. Respondents No. 9 to 15 are contesting election of the Management Committee of the Society after obtaining NOCs from the CEO, MEPCO in line with Rule 3(k) of the Model Election Rules. The election matter falls within the ambit of the Act, the Cooperative Rules and the Model Election Rules regarding which Writ Petitions mentioned above are separately *sub judice* before this Court. Reliance by learned counsel for the Petitioner on Orders dated 08.06.2022 passed in W.P. No. 7848 / 2022 and 07.09.2022 passed in I.C.A. No. 169 / 20225 are not of any help to the Petitioner for the

reason that the said Orders were passed before amendment in Rule 14(2) of the Rules which prior to amendment read as follows:-

“Notwithstanding anything contained in sub-rule (1), no WAPDA employee shall associate himself / herself with any private trust, foundation, Housing Society or similar other institution which is not sponsored by the Authority / Government.”

However, after amendment made in the above Rule, an exception has been created with reference to MEPCO (WAPDA) Housing Societies located within the territorial jurisdiction of MEPCO. The Society is located within the territorial jurisdiction of MEPCO. The nexus of the Society with MEPCO is required to be determined after recording of evidence in the pending suit of the Petitioner. The overall construction and interpretation of the amended Rule 14(2) of the Rules in view of exception created therein would also be determined in the pending suit since Respondents No. 9 to 15 are admittedly members of the Society and in that capacity, they *prima facie* have a right to participate in the election of the Society at par with other members subject to NOCs issued by MEPCO as ordained by Model Election Rules. Even otherwise, any violation of amended Rule 14(2) of the Rules at best attracts disciplinary proceedings under the Rules which is the prerogative of MEPCO and the Petitioner has no concern with the same. Accordingly, the ingredients of temporary injunction as ordained in Order XXXIX, Rules 1 & 2 of the CPC in terms of *prima facie* case, irreparable loss and balance of convenience or inconvenience do not co-exist in favour of the Petitioner. As such, there is no illegality, infirmity or jurisdictional defect in the impugned Orders passed by the Courts below.

7. In view of the above, this Petition is devoid of any merit and the same is **dismissed**. Office is directed to transmit a certified copy of this Judgment to the Trial Court concerned for information and record.

(Abid Hussain Chattha)
Judge

Approved for reporting.

Judge