

2024 C L D 462

[Balochistan]

Before Muhammad Kamran Khan Mulakhail and Shoukat Ali Rakhshani, JJ

BALOCHISTAN BAR COUNCIL through Vice-Chairman---Petitioner

Versus

GOVERNMENT OF BALOCHISTAN through Chief Secretary Balochistan,

Civil Secretariat and 2 others---Respondents

C.P. No. 272 of 2023, decided on 24th November, 2023.

Balochistan Environmental Protection Act (VIII of 2012)---

----S. 28(2)---Balochistan Environmental Protection Tribunal Rules, 2017, R. 3(2)---Constitution of Pakistan, Art. 199---Constitutional petition---Quo warranto, writ of---Member Environmental Protection Tribunal---Appointment---Extension in second tenure---Petitioner/Bar Council assailed extension in appointment of respondent as Member Environmental Protection Tribunal---Validity---Re-appointment of Chairperson or any member was not provided under Balochistan Environmental Protection Tribunal Rules, 2017, except to extend his tenure only once, for a period of three years---Re-appointment of respondent was not supported by any law and rules framed thereunder---Such appointment was an extension of his tenure and there was also no provision in Balochistan Environmental Protection Act, 2012 and Balochistan Environmental Protection Tribunal Rules, 2017, for further (second) extension---Such extension of respondent was violation of law and was unique example of colourful exercise of power by Chief Minister by overlooking summary and relevant law and rules---Second extension of petitioner was nullity in the eyes of law and was ab-initio void---High Court set aside notification of extension of second tenure of respondent---High Court directed Provincial Government to de-notify respondent as Member Balochistan Environmental Protection Tribunal---Constitutional petition was allowed, in circumstances.

Mian Fazal Din v. Lahore Improvement Trust, Lahore PLD 1969 SC 223 ref.

Munir Ahmed Kakar for Petitioner.

Shai Haq Baloch, Additional Advocate General for Respondents Nos. 1 and 2.

Adnan Basharat and Shaukat Kakar for Respondent No. 3.

Date of hearing: 14th November, 2023.

JUDGMENT

MUHAMMAD KAMRAN KHAN MULAKHAIL, J.---Through this Constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 (The Constitution) the petitioner has prayed for the following relief:

"It is, therefore respectfully prayed that this Hon'ble Court by exercising its constitutional jurisdiction under Article 199 of the constitution may kindly declare as under:

- i. That declaration may kindly be made that since the respondent No.3 was Member of Environmental Protection Tribunal since 19 April 2016, as such, in view of section 42 of the Balochistan Environmental Protection Act, 2012 and sub-rule (2) of rule 3 of the Balochistan Environmental Protection Tribunal Rules, 2017, the appointment of the respondent No.3 vide notification dated 9-10-2019 was an extension.
- ii. That the impugned notification dated 30-12-2022 with regard to second extension of tenure of the respondent No.3 be declared in violation of section 28(2), section 42 of the Balochistan Environmental Act, 2012 (Act No. VII of 2012) and sub-rule (2) of Rule 3 of the Balochistan Environmental Protection Tribunal Rules, 2017, as such, the same be declared null and void and of no legal effect, and be set-aside.
- iii. That during pendency of the constitutional petition, the impugned notification dated 30-12-2022 issued by respondents (sic) No.2 with approval of respondent No.1 may kindly be suspended to save the public exchequer from losses.
- iv. Any other relief deemed fit and proper in the circumstances may also be granted"

2. In essence, it was the petitioner's case that Balochistan Bar Council being a statutory body, works for protection of the Constitutional and legal rights of lawyers and where any violation of Law, Constitution or Regulation is being surfaced, the same is being intercepted by availing the legal remedy; that in the province, initially Environmental Protection Tribunals were constituted throughout the country under Pakistan Environmental Protection Act, 1997 and Pakistan Environmental Protection Rules, 2008, however, after promulgation of Balochistan Environmental Protection Act, 2012, ("The Act, 2012") the Balochistan Environmental Protection Tribunal (The Tribunal) was constituted on 19th April 2016, by appointing a Chairman and two members including the respondent No.3; that on 10th August 2017 Balochistan Environmental Protection Tribunal Rules, 2017 ("The Rules, 2017") were framed and notified, and since the respondent No.3 was already serving as member (Legal) of the Tribunal, and on expiry of his tenure period, instead of extending his services for another period of three years, he was notified as newly appointed member vide Notification dated 09th October 2019, whereas, as per the Act 2012 and the Rules 2017, the respondent No.3 was already rendering the services of 'Member', could have not been re-appointed, instead could only be extended; that after expiry of his extended period, the respondent No.3's services were again extended, but in complete derogation of the Act 2012 and Rules, 2017, the respondent No. 2 vide Notification dated 30th December 2022 further extended his period as Member for three years, which is a clear violation of the Act, 2012 and Rules, 2017, hence this petition.

3. Learned counsel for the petitioner argued that the extension of respondent No.3's services as Member (General) of the Tribunal is against prescribed procedure as stipulated by the Act 2012 and Rules 2017, as in no case more than one extension could have been made, however, just to take illegal benefit and to bypass the prevailing Law and Rules, in the Notification dated 09th October 2019, the word 'appointment' was used/mentioned instead of the word "extension"; that there is no provision of law for re-appointment of any Member or Chairperson of the Tribunal, and thus, the Notification dated 09th October 2019, notifying the appointment of respondent No.3 at the most could be considered as extension, and not otherwise, thus, the subsequent Notification dated 30th December 2022, without having any statutory backing is liable to be set-aside; he finally urged for an appropriate order in this behalf.

Conversely, the learned counsel for the respondent No.3 while questioning the locus standi of the petitioner contended that the petitioner is neither an aggrieved party nor any of his legal, fundamental or Constitutional rights have been infringed, therefore, he does not fall within the definition of a "person" to invoke the Constitutional jurisdiction of this court under Article 199 of the Constitution; that the respondent No.3's appointment and extension was in accordance with law, initially, he was appointed as Member (legal) of the Tribunal, and after notifying the Rules 2017, he was appointed as Member (general) and lastly was extended, thus, his services were only once extended; that the petitioner by means of this frivolous litigation is trying to create some misconception and trying to take some undue benefit; he finally urged for dismissal of the petition.

Learned Additional Advocate General adopted the arguments advanced by the learned counsel for the petitioner.

4. Learned counsel for the petitioner while controverting the arguments of learned counsel for respondent No.1 narrated that the petitioner cannot be said to be a stranger nor can it be said that he is not the aggrieved person as the 'Balochistan Bar Council' being a statutory body is meant for and empowered to protect the rights of legal practitioners and also to approach the court against any illegal, unlawful and unconstitutional action on part of any authority, wherein in the instant case the illegal extension of respondent No.3 against the post/seat of Member (general) of the Tribunal is directly effecting the rights of legal fraternity, therefore, the petitioner is the aggrieved person as asserted.

5. Heard, record perused.

6. Since, the petitioner's locus standi was questioned by the respondent No.3, therefore, before proceeding with the merits of case, we deem it appropriate to attend the question of maintainability of the petition at first instance. The petitioner being a statutory body has approached this court for issuance of writ of quo-warranto against the respondent No.3 for holding the office of Member (General) being unnecessarily and unlawfully extended beyond the prescribed limit. It is true that expression "aggrieved party" employed under Article 199 of the Constitution of Pakistan (1973) was given rigid construction by this Court under the heading of locus standi/aggrieved party/standing in the context of variety of the circumstances. There are plethora of judgments of the Hon'ble apex Court that Article 199

does not confer any substantive right on a party but provides a party only an additional remedy under the extraordinary jurisdiction of this Court conferred by the Constitution, provided he is able to show that any of his personal or proprietary rights, as recognised by the law, have been invaded or denied. However, with the passage of time the superior judiciary in our country has not followed that rigid view but has accorded liberal construction to the word aggrieved party. In case of Mian Fazal Din v. Lahore Improvement Trust, Lahore¹, it was held that "right considered sufficient for maintaining a proceeding is not necessarily a right in the strict juristic sense but it is enough if the applicant discloses that he had a personal interest in the performance of the legal duty which is not performed or performed in a manner not permitted by law would result in the loss of some personal benefit or advantage or the curtailment of a privilege or liberty or franchise." In the case in hand, on perusal of the Act, 2012 and Rules, 2017, the fact emerges that the basic requirement/qualification for the office of Member (General) of the Tribunal is "who has, for a period of not less than seventeen years held a post in the service of Pakistan, or in corporation service, or who has, for a period of ten years, been an advocate of High Court" and such office/seat was earlier named/prescribed as Member (Legal), and reserved for the legal fraternity to be filled either through a practicing lawyer or a judge of the subordinate Judiciary (either retired or serving), and thus, the petitioner being a legal body of the law practitioners has invoked the constitutional Jurisdiction of this Court against the illegal act, directly or indirectly infringing their right, and therefore, the petitioner has a right to file the Constitutional petition, and thus, in our view, the same is competently filed.

7. The petitioner is seeking declaration to the effect that the Notification dated 09th October 2019 is extension of previous Notification dated 19th April 2016, and consequently, the Notification dated 30th December 2022, is illegal and against the Act 2012 and the Rules, 2017. It is evident that the petitioner was initially appointed as Member (legal) (BPS-20) vide notification dated 19th April 2016, issued by the Environment, Sports and Youth Affairs, Government of Balochistan, while exercising the powers under the Act 2012 and The Balochistan Environment Tribunal (Protection and Functions) Rules, 2008, however, when the Rules 2017 were framed/notified, and on expiry of the three years period, another Notification dated 09th October 2019 was issued, which stipulated as under:

"NOTIFICATION

No. SO(EN:)1-166/2019/1313-27. In exercise of powers conferred under section 25(2) of the Balochistan Environmental Protection Act, 2012 (Act No. VIII of 2012) read with Rule 3(1) of the Balochistan Environmental Protection Tribunal Rules, 2017, the Government of Balochistan is pleased to appoint the following as members of the Balochistan Environmental Protection Tribunal for a period of three years on such terms and conditions as may be prescribed in the aforesaid rules with immediate effect."

On expiry of the said period, the tenure of the respondent No.3 was extended vide Notification dated 30th December 2022, which stipulates as under:

"NOTIFICATION

No.SO(ENV:)1-166/2019/741-759. Consequent upon prior approval of the competent authority (the Chief Minister Balochistan) and in exercise of powers conferred under section 28(2) of the Balochistan Environment Protection Act, 2012 read with Rule 3(2) of the Balochistan Environmental Protection Tribunal Rules, 2017 the Government of Balochistan is pleased to extend tenure of Syed Imtiaz Hussain as member of the Balochistan Environmental Protection Tribunal for a further period of three years on such terms and conditions as may be prescribed in the aforesaid rules with immediate effect.

8. During course of proceedings the petitioner filed an application under Order XII, Rules 1 and 2, C.P.C. for placing certain documents on record, the perusal whereof reveals that a summary was prepared for the Chief Minister Balochistan, forwarded by the Climate Change and Environment Department and for ease of reference the same is re-produced herein below:

Government of Balochistan Climate Change and Environment Department

SUMMARY FOR THE CHIEF MINISTER

**Subject: - APPOINTMENT OF MEMBER (GENERAL) AND TENURE
EXTENSION OF MEMBER (TECHNICAL) OF THE BALOCHISTAN
ENVIRONMENTAL PROTECTION**

Kind attention is drawn to instruction of the Hon'ble Chief Minister to initiate separate summary for appointment of Member(General) and tenure extension of Member (Technical) of the Balochistan Environmental Protection Tribunal on tenure expiry of incumbents (F/A).

2. It is submitted that tenures of Syed Imtiaz Hussain, Member (General) and Abdus Salam Khan, Member (Technical) of the Balochistan Environmental Protection Tribunal are going to expire on 09.10.2022. However, it is pertinent to mention that Rule 4(1) and Rule 4(2) of the Balochistan Environmental Protection Tribunal Rules, 2017 defines criterion/qualification required for or appointment of candidates against positions of Member (Technical) and Member (General) respectively. (F/B) Likewise, both members are either to be appointed or their tenure may be extended for a period not exceeding three years by the Government of Balochistan as provided under section 28(2) of the Balochistan Environment Protection Act, 2012 (F/C) read with Rule 3(1) and Rule 3(2) of the Rules ibid. (F/B)

3. Mr. Syed Imtiaz Hussain was appointed as Member (Legal) of the Environmental Protection Tribunal on 19.04.2016 for a period of three years. (F/D) Thereafter, the afore-named has been again appointed as Member (General) of the Environmental Protection Tribunal on 09.10.2019 for another term of three years (F/E) which is going to expire on 09.10.2022. Collectively. Mr. Imtiaz Hussain has served the Environmental Protection Tribunal for two consecutive terms as Member (Legal) and Member (General) respectively for a period of six years. However. Mr.Abdus Salam Khan has been appointed as Member Technical on 09.10.2019 for a term of three years which is going to expire on 09.10.2022.

4. Foregoing above in view, the following panel of candidates is proposed for appointment against position of General(Member):-

- i. Muhammad Naseem Lehri His CV annexed at F/G.
- ii. Khaleeq Nazar Kiyani His CV annexed at F/I!.
- iii. Shahbaz Khan Mandokhail His CV annexed at F/1.

5. However, tenure extension of Member (Technical) namely Abdus Salam Khan is proposed for a further period of three years owing to his par excellence performance and integrity. Moreover, he is a renowned engineer and has served as Secretary Irrigation, Secretary PHE and has held other importance portfolio besides having a well-reputed technical career.

In view of the above, the Hon'ble Chief Minister may be pleased to approve the following:

- i. Appointment of any one of the candidates, as Member (General) for a period of three years in exercise of powers under Section 28(2) of the Act ibid (F/C) read with Rule 3(1) of the Rules ibid (F/B), as per Para-4/ Summary;
- ii. Tenure extension of Abdus Salam Khan as Technical (Member) of the Balochistan Environmental Protection Tribunal for a period of three years, in exercise of powers under Section 28(2) of the Act ibid (F/C) read with Rule 3(2) of the Rules ibid, as per Para-5/Summary. (F/B)

Approval of the Hon'ble Chief Minister is solicited to proposal at para-6/Summary, please.

9. The Summary was placed before the Chief Secretary for examination, who endorsed the same with the opinion that "The Proposal of the administrative Department for Mr. Muhammad Naseem Lehri as Member (General) and retention of Mr. Abdul Salam Khan as Member (Technical) Balochistan Environmental Protection Tribunal, is endorsed for approval please". Once again the Law Department was asked for submission of legal opinion, which on examination, opined that all the candidates proposed in the Para-4 of the summary fulfill the criteria/qualification, whereupon the Chief Secretary once again supported the said proposal for approval of the Chief Minister, however, the Chief Minister, without showing his agreement or disagreement on the summary, proposal or opinion of the respective departments, ordered for notifying the respondent No.3 as member (legal) and one Mr. Muhammad Zaffar as member (Technical). The Respondent No.2, while observing the legal flaw, once again submitted a reference to the Chief Minister to review the para-12/S of the Summary, which is reproduced herein for ease reference:

"Reference Preceding Paras The Hon'ble Chief Minister is requested to review para-12/S of the summary on the following grounds:-

- i. Mr. Syed Intiaz Hussain was appointed as Member of the Balochistan Environmental Protection Tribunal on 19.04.2016 for a period of three years and re-appointed on 09.10.2019 for another term of three years which expired on 09.10.2022. (F/D and F/E). Collectively, he has served two consecutive terms as Member of the Balochistan

Environmental Protection Tribunal. Rule 3(2) of the Rules ibid bars his appointment for a third term. (F/B).

- ii. Mr. Muhammad Zareef, recommended as Member Technical does not fulfil the prescribed criterion as Member Technical of the Balochistan Environmental Protection Tribunal as per provisions of Rule 4(1) of the Rules ibid which is reproduced as below:-

"A Technical Member of the Tribunal shall be a person who has at least:

- (a) B.Sc Engineering Degree (Second Division) in chemical, civil, environmental, mechanical, industrial engineering; or M.Sc Degree (Second Division) in chemistry, biology, chemical or biotechnology, environment, environmental planning and management or biochemistry; and
- (b) Seventeen years post academic qualification experience in BPS-17 and above or equivalent relating in the field of any of the above prescribed academic qualification."

15. In view of above, both the individuals recommended do not qualify for appointment as Member and Technical Member of the Balochistan Environmental Protection Tribunal as per Rule 3(2) and Rule 4(1) of the Rules ibid.

16. In view of above, the Hon'ble Chief Minister is requested to review directions and may consider the proposal contained at Para-6/Summary read with Paras-9 and 10 of the Summary please."

The Chief Secretary Balochistan on the reference filed by the respondent No.2, asked the Law Department for submission of legal opinion, whereby, the Secretary Law and Parliamentary Department, submitted his opinion, which stipulates:

"FOREGOING PARAS. Section 28(2) Balochistan 18.

Environment Protection Act, 2012, envisages that "the Balochistan Environmental Protection Tribunal shall consist of a Chairperson who is or has been or is qualified for appointment as a Judge of High Court to be appointed after consultation with the Chief Justice of the High Court and two members to be appointed by the Government of Balochistan, from amongst which at least one shall be a technical member with suitable professional qualifications and experience in the environmental field as may be prescribed".

19. Moreover, subsection (7) thereof provides that "the terms and conditions of service of the Chairperson and members of the Balochistan Environmental Protection Tribunal shall be such as may be prescribed". The term "prescribed" as defined in clause (rr) of section 2 of the Act means prescribed by rules.

20. Rule 3(1) of the Balochistan Environmental Protection Tribunal Rules, 2017 provides that "The Tribunal shall consist of a Chairperson and such number of Members as prescribed in section 28(2) of the Act, to be appointed by Government for a term which subject to sub-rules (2) and (3) shall not exceed three years".

21. Sub-rule (2) of the said rules provides that "the Government may extend the term of the office of Chairperson or any member for a period which shall not exceed three years, as it may deem fit".

22. However, neither the Balochistan Environment Protection Act, 2012 nor the Balochistan Environment Tribunal Rules, 2017, duly framed thereunder, contain any such provision, which may provide for re-appointment of the Chairperson or the member for the second time. The Law Department is therefore, of the considered opinion that despite all exceptions, the reappointment of Mr. Syed Imtiaz Hussain on 09-10-2019 is to be regarded/ deemed as extension and not a fresh appointment.

23. In view of the foregoing submissions the Law Department endorses the stance of the Administrative Department at para-15/s.

Similarly, the Secretary, S&GAD also endorsed its observation with the stance that in view of the clarification statement submitted by the respondent No.2 and the legal opinion of the Law and Parliamentary Affairs Department, both the candidates recommended/ordered by the Chief Minister against the posts of Member Legal and Member (technical) do not fulfill the grounds for appointments. Thereafter, the Chief Secretary also while endorsing the stance/observation/opinion of the respective departments requested for reviewing the para-24/S, wherein the Chief Minister had ordered for appointment of the respondent No.3 against the post of Member (General). But despite submission of the review representation by the concerned department (respondent No.2), legal opinion by the Law and Preliminary Department the Chief Minister, ordered for appointment of the respondent No.3 against the post of Member (General), which order is as under:

"APPOINTMENT OF MEMBER (GENERAL) AND TENURE EXTENSION OF MEMBER (TECHNICAL) OF THE BALOCHISTAN ENVIRONMENTAL PROTECTION TRIBUNAL.

27. The matter regarding appointment/extension of Mr. Imtiaz Hussain as Member (General) has not been dealt with in its true perspective. As indicated, he was first appointed as Member (Legal) on 19.04.2016, no extension was granted under Rule 3(2) of Rules of 2017. However, he was again appointed with a different nomenclature as Member (General) on 09.10.2019 after a period of six months. There is no continuity in the first and second appointment. Therefore, it was neither extension, nor consecutive appointment, as much, he deserves extension for a further period of three years from the date, his present appointment expires under Rule 3(2) of the Rules of 2017. As the matter has already been delayed considerably, therefore, notification of Mr. Imtiaz Hussain as Member (General) under Section 3(2) of the Rules of 2017, be issued, while for Member (Technical), a fresh panel be submitted."

10. The above noticeably indicates that initially the summary was forwarded by the Climate Change and Environment Department with the proposal of the three persons against the post/seat of Member (General) and when such summary through proper channel reached to the Hon'ble Chief Minister, the same was neither endorsed nor declined, and without rendering any observation on the summary or about the appointment of the respondent No.3, it was ordered that respondent No.3 be appointed against the seat of Member (General),

however, the respondent No.2 after observing the legal implication, once again forwarded a review representation to the Chief Minister for reviewing of the order/direction, and the Chief Secretary after obtaining the legal opinion from the Law and Preliminary Department and the suggestion from the S&GAD, also endorsed its opinion for reviewing the order, but once again, the Chief Minister without going into the legality of the matter and without rendering any observation, passed the order and directed for appointment of the respondent No.3 against the respective seat. A summary to the Chief Minister is being forwarded and dealt in accordance with the Rule 45 of the Balochistan Government Rules of Business 2012, which stipulates as under:

Rule 45. Reference to the Chief Minister. (1) No order shall be issued without the approval of the Chief Minister in:-

- (a) cases involving important policy or departure from important policy;

Note: Departure from policy includes departure from a previous decision of the Cabinet or Chief Minister.

- (b) cases enumerated in Part A of Schedule-VIII;

(2) Cases enumerated in Part B of Schedule VIII shall be submitted to the Chief Minister for his information. Chief Minister may require any other case to be submitted to him for information;

(3) A case submitted to the Chief Minister for his order shall include a self contained summary to be initiated by the Administrative Secretary stating the relevant facts and the points for decision. The summary shall include the specific recommendations of the Minister-in-Charge through the Chief Secretary and shall be accompanied by a draft communication wherever appropriate.

(4) All Summaries on which the Chief Minister has passed orders, shall on their way back to the respective departments, be routed through Chief Secretary.

The afore-quoted provision of Rules of Business, under which the government affairs are being run, stipulates that a summary submitted to the Chief Secretary shall include specific recommendations through the Chief Secretary, and in the case in hand, initially the summary duly supported by the relevant provisions of Law and Rules from the respondent No.2 was forwarded through the Chief Secretary, but without having any regard to the said summary and Law narrated therein, directions were made by the Chief Minister for appointment of the respondent No.3, but once again the relevant department moved a review reference, whereupon the Law and Parliamentary Department, S&GAD and the Chief Secretary endorsed the same by rendering their independent and separate opinions, with the request to the Chief Minister to withdraw the earlier order, but once again the Chief Minister without approving the proposal coupled with the recommendation of the Chief Secretary, issued direction for appointment of the respondent No.3, but again without rendering any reason or without observing the legal provision of law and also by overlooking that the name of the respondent No.3 was not even included in the initial summary. Thus this act can easily be termed as a clear example of colorful exercise of power, and violation of the provision of the Act, 2012 and Rules, 2017. The Chief Minister being Chief Executive of the Province, is not supposed to act as a king of his private fiefdom or to rule the province according to his

whims and wishes, but to act in accordance with law by observing the legal obligation and implication to abide by the Balochistan Rules of Business, 2012.

11. The respondent No.3 was initially appointed as Member (Legal) of the Balochistan Environment Tribunal for a period of three years vide Notification dated 19th April 2016, however, on completion of the said tenure period, through Notification dated 09th October 2019, the respondent No.3 was again appointed as General Member of the Tribunal for further three years. Section 28 of the Balochistan Environmental Protection Act, 2012 provides that "the Government of Balochistan may, by notification in the official Gazette establish Balochistan Environmental Protection Tribunals which shall exercise jurisdiction under this act" and such Tribunal shall consist of a Chairman and two members, out of which one shall be a technical Member. Similarly, the Rule 3 of the Rules 2017, deals with the Office terms of the Chairman and members, which stipulates as under:

3. Office Term of the Chairperson and Members. (1) The Tribunal shall consist of a Chairperson and such number of Members as prescribed in section 28(2) of the Act, to be appointed by Government for a term which subject to sub-rules (2) and (3), shall not exceed three years.

(2). The Government may extend the term of the office of Chairperson or any Member for a further period, which shall not exceed three years (3). A member, who immediately before his appointment was holding a post in the service of Pakistan, may be transferred in public interest before the expiry of the term under this rule.

(4) The Chairperson or a Member may resign by submitting resignation in writing to the Government.

(5) The Chairperson or a Member shall not simultaneously hold any other office in the service of Pakistan.

The afore-quoted Rule does not provide any provision of reappointment of Chairperson or any member, except to extend his tenure only once, for a further period of three years, but in the case in hand the respondent No.3's re-appointment was not supported by any law and rules framed thereunder, rather the same can be termed as an extension of his tenure, but since, there is also no provision in the Act and the Rules framed thereunder for further (second) extension, therefore, the extension of the respondent No.3, is also a clear violation of the law and being a unique example of colorful exercise of power by the Chief Minister by overlooking the summary and the relevant law and rules, is therefore, nullity in the eyes of law, and, is consequently declared as ab-initio void.

In view of the above the Constitutional petition is allowed, resultantly, the Notification No. SO(ENV:1-166/2019/741-759 dated 30th December, 2022 being barred by law is set aside, consequently, the respondent No.2 is directed to de-notify the respondent No.3 as Member (General) Balochistan Environmental Protection Tribunal, with immediate effect.

MH/11/Bal.

Petition allowed.

