

Form No: HCJD/C-121.

**ORDER SHEET**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

W.P. No. 1270 of 2020

Muhammad Khan  
Vs  
The Federation of Pakistan, etc.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
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02) 07-05-2020. Mr Shafqat Saleem Khokhar Advocate, for the petitioner.

The petitioner has challenged the appointment of respondent no. 2 i.e. Rizwan Ahmed, Secretary Ministry of Maritime Affairs, Islamabad as Chairman of the Pakistan National Shipping Corporation on acting charge basis.

2. The learned counsel has been heard at length. Despite his able assistance he was not able to satisfy this Court regarding bonafides of the petitioner in challenging the appointment of respondent no. 2 on acting charge basis. Moreover, the learned counsel could not show how the appointment of respondent no. 2 on acting charge basis as Chairman, Pakistan National Shipping Corporation, Islamabad was in violation of the scheme of

Pakistan National Shipping Corporation Ordinance, 1979  
[hereinafter referred to as the "**Ordinance of 1979**"].

3. It is noted that the Executive branch is responsible and accountable for managing the executive affairs of the State. In order to effectively perform its functions and discharge its obligations, the executive ought to be free to exercise discretion in making appointments against executive posts. However, such discretion has to be exercised in accordance with the settled principles and the legislative intent of the relevant statute. Since in executive matters the Executive branch of the State is responsible and accountable for its actions, therefore, extreme restraint is required to be exercised by a constitutional Court in interfering with executive decisions unless they are demonstrably in violation of the relevant statute or law. In the instant case the relevant statute does not prohibit the appointment of respondent no. 2 on acting charge basis.

4. For the above reasons, this Court is not inclined to entertain this petition and the same is, therefore, accordingly **dismissed in limine**.

**CHIEF JUSTICE**