

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.392 of 2020
Muhammad Sanaullah and others
Versus
Federation of Pakistan through Secretary, Ministry of Science and
Technology and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	07.02.2020	M/s Adil Aziz Qazi and Haseeb Hassan, Advocates for the petitioners.

Through the instant writ petition, the petitioners seek the issuance of *quo-warranto* with respect to respondent No.3's appointment as the Chairman, Pakistan Engineering Council ("P.E.C").

2. Learned counsel for the petitioners submitted that Section 4(1) of the Pakistan Engineering Council Act, 1975 (Act No.V of 1976) ("the 1975 Act") provides *inter alia* that the Chairman, P.E.C. shall be an eminent professional engineer of known integrity, competence, standing and stature with a minimum of twenty-five years of standing; that respondent No.3's integrity is doubtful inasmuch as the Hon'ble Supreme Court while deciding civil petitions No.130 and 131 of 2015 modified the orders passed by the Court of the learned Civil Judge, Islamabad and the Hon'ble Lahore High Court by vacating the interim injunction granted in favour of Messrs Four Brothers International (Pvt.) Ltd. and directed the parties to nominate their arbitrators; that respondent No.3 was one of the Directors of Messrs Four Brothers International (Pvt.) Ltd.; and that a Director of a company engaged in the business of construction should not have

been appointed as the Chairman, P.E.C. since there would be a potential for conflict of interest. Learned counsel for the petitioners prayed for the writ petition to be allowed in terms of the relief sought therein.

3. I have heard the contentions of the learned counsel for the petitioners and have perused the record with his able assistance.

4. Section 4(1) of the 1975 Act provides *inter alia* that the Chairman, P.E.C. shall be an eminent professional engineer of known integrity, competence, standing and stature with a minimum of twenty-five years of standing. There is nothing on the record to show that any Court of competent jurisdiction had given any declaration to the effect that respondent No.3 was a person lacking integrity. Furthermore, it has not even been pleaded that respondent No.3 has been convicted of any offence.

5. I have gone through the order dated 28.10.2015 passed by the Hon'ble Supreme Court in civil petitions No.130 and 131 of 2015 and have not been able to find any observation therein which is adverse to respondent No.3. The mere fact that the Hon'ble Supreme Court vacated the injunction that had been granted by the learned Civil Court and the Hon'ble High Court in favour of the company in which respondent No.3 had been a Director, would not *ipso facto* disqualify him from being appointed as the Chairman, P.E.C.

6. The said order dated 28.10.2015 shows that the matter in dispute between Pakistan Railways and Messrs Four Brothers International (Pvt.) Ltd. had been referred to

arbitration. There is nothing on the record to show the fate of the arbitration proceedings.

7. In view of the above, the instant petition is dismissed in *limine*.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Sultan*

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