

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Bench-II:

Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Athar Minallah
Mr. Justice Malik Shahzad Ahmad Khan

**CrI.O.P.233/2017 in C.A.633/2017, CrI.O.P.242/2017 in
C.A.353/2015, CrI.O.P.243/2017 in C.A.632/2017 and
CrI.O.P.12/2024 IN C.R.P.368/2017 IN C.A.632/2017**

Iftikhar Ahmed Chaudhry

....*Petitioner(s)*

Versus

Saeed Ahmed Khan, etc.

....*Respondent(s)*

For the petitioners(s): Mr. Salman Akram Raja, ASC.
Mr. Abdul Rahim Bhatti, ASC.
Dr. G.M. Ch. ASC.
Ch. Akhtar Ali, AOR.
Sh. Mahmood Ahmed, AOR.

For the respondent(s): Mr. Rashid Anwar, ASC.
Mr. Adnan Shuja Butt, ASC.
Rana Asad Ullah Khan, Addl. AGP.
Syed Rifaqat Hussain Shah, AOR.
Rehmat Ali Hasnie, President NBP.
Mehnaz Salar, Head of Legal, NBP.
Riaz Hussain, Wing Head Lit. North NBP.
Rana Muhammad Khial (In person)

Date of hearing: 08.08.2024

ORDER

Our Order dated 01.07.2024 records that the President, National Bank of Pakistan (NBP), who appeared before this Court, acknowledged that 11,000 pensioners or more have to be paid pension in pursuance to the judgment of this Court dated 25.09.2017. It is submitted by the learned counsel for NBP that 764 pensioners have been paid and the payment to the rest of the pensioners is underway.

2. Today, we have noticed that while processing cases of the pensioners for payment of their pension as per the judgment of this Court certain factual verification of some of the pensioners is required. We don't want this Court to be burdened with this exercise, which is primarily the function of NBP. In order to streamline the process, let the President, National Bank of Pakistan depute a Senior Officer of NBP as a focal person to ensure the implementation of the judgment of this Court dated

25.09.2017 in letter and spirit and where required, grant a hearing to the concerned pensioner.

3. It is imperative to underline that in a constitutional democracy, the rule of law is not just a principle but the bedrock upon which the legitimacy of governance rests. The Supreme Court of Pakistan, as the apex judicial body, is entrusted with the profound responsibility of interpreting the law, ensuring justice, and upholding the Constitution. Its orders are not merely recommendations or advisories; they are legal mandates that must be followed. These decisions are the culmination of rigorous legal scrutiny and deliberation intended to reflect the values and laws of the land. When this Court renders a verdict, it does so as the ultimate interpreter of the Constitution. To disregard or delay the implementation of such verdicts is to challenge the very framework of our legal system. The compliance with judicial decisions is not a matter of courtesy but a constitutional requirement that safeguards this balance. Non-compliance not only disrupts this delicate equilibrium but also sets a dangerous precedent that could lead to executive overreach.

4. Additionally, the implementation of these orders is crucial for maintaining public confidence in the judicial system. Courts are seen as the defenders of rights, the arbiters of disputes, and the interpreters of laws. If their decisions can be easily ignored or sidestepped by the individuals or entities, it undermines public trust in the efficacy of the judiciary and, by extension, the entire government. This erosion of trust can lead to a lack of faith in the processes that govern citizens' lives and, ultimately, in the democratic system itself. The importance of implementing these orders cannot be overstated, and it is imperative that the institutions recognize that it has no other choice but to comply.

5. The law of contempt is a critical tool in this context. It serves to enforce court orders, ensuring that the judiciary is respected and that its decisions are not taken lightly. The power to hold individuals or entities in contempt for failing to comply with a Court order is fundamental to the judiciary's ability to function effectively. Without this power, the judiciary would be rendered toothless, unable to enforce its decisions, thereby jeopardizing the administration of justice. The individuals or entities have no other choice but to implement the judgment of the Court, for in doing so, it upholds the Constitution, strengthens democracy, and preserves the public's trust in justice and the rule of law.

6. Let the said nominee, keep this constitutional understanding in mind and expeditiously implement the judgment of this Court by ensuring that the pensioners are fully paid at the earliest and submit a compliance report before the next date of hearing. To come up on 15.10.2024.

Judge

Islamabad,
08th August, 2024.
Approved for reporting
Iqbal/Umer A. Ranjha, LC

Judge

Judge