

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

Mr.Justice Iftikhar Muhammad Chaudhry, CJ.
Mr.Justice Rana Bhagwandas
Mr.Justice Javed Iqbal
Mr.Justice Abdul Hameed Dogar
Mr.Justice Faqir Muhammad Khokhar
Mr.Justice Mian Shakirullah Jan
Mr.Justice M.Javed Buttar
Mr.Justice Tassaduq Hussain Jillani
Mr.Justice Syed Jamshed Ali

Sr. #	Case No.	Parties Name	On appeal from the judgment of Service Tribunal passed in ... Dated....	For the appellant / petitioner	For Respondents
1	C.A.792-816 of 2005	Muhammad Mubeen us Salam Vs. Federation of Pakistan thr. Secy. M/o Defence Govt. of Pakistan and another	Appeal Nos.1023, 1024, 1025, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1038, 1087, 1088, 1091, 1092, 1094, 1095, 1098, 1099, 1089, 1090, 1096, 1097 and 1011 (R)/CS/2003 Dt.27.11.2004	Mr. Muhammad Akram Sheikh, Sr. ASC a/w Altaf Elahi Sheikh, ASC and Ch. Muhammad Akram, AOR Assisted By: Barrister Kamran Sheikh, Hafiz Arafat Ahmad, ASCs	Mr. Makhdoom Ali Khan, Attorney General for Pakistan a/w Raja Muhammad Irshad, DAG and Ms. Naheeda Mehboob Elahi, DAG Raja Abdul Ghafoor,AOR (in CA 792/2005) Hafiz S.A Rehman, Sr. ASC a/w Mr. M.S. Khattak (in CAs 793-816)
2	C.M.A.2208- 2211/2003 in C.R.Ps. 426, 427, 428, 430, 432, 429, 421 & 431 of 2001	Federation of Pakistan Vs. Muhammad Akram		Malik Muhammad Qayyum, ASC Mr. M.S. Khattak, AOR	Mr. Abdul Hafeez Pirzada, Sr. ASC a/w Mr. Mehr Khan Malik, AOR(in CA 2208-2209, 2211/2003) Mr. Waseem Sajjad, Sr. ASC (CA 2210/03)
3	C.M.Appeal 138- 139/2003 & C.M.Appeal No.47-48/2004 in Const.P.Nil/2003	Hashim Khan & others Vs. S.N.G.P.L & others.		Syed Iftikhar Hussain Gillani, Sr. ASC a/w Mr. Mehr Khan Malik, AOR Raja Muhammad Ibrahim Satti, ASC a/w Ijaz Muhammad Khan (CM Appeal 47/04) Mr. Muhammad Akram Sheikh, Sr. ASC, Mr. Mehr Khan Malik, AOR(CM Appeal No.48/04)	Mr. M.A. Qureshi, AOR (CA 138-139/03) Not represented in CM Appeals 47, 48/04
5	C.P.305-L/2001	Javed Iqbal Vs. VP/Zonal Chief UBL, etc.	Appeal No.310- L/98 dt.30.12.2000	Mian Mehmood Hussain, ASC Mr. Faiz-ur- Rehman, AOR	Mr. Shahid Karim, ASC
6	C.P.586-L/2001	Amjad Hameed Vs. Pakistan Postal Services Corp. etc.	Appeal No.1751- L/1998 dated 11.1.2001	Khawaja Muhammad Akram, ASC a/w	N.R.

				Mr. Faiz-ur-Rehman	
7	C.P.587-L/2001	Abdul Shakoor Rana Vs. N.B.P. etc.	Appeal No.527-L/1998 dated 1.1.2001	Nemo	Mian Muhammad Saleem, ASC
8	C.P.643-L/2001	Wasim Anjum Vs. U.B.L, etc.	Appeal No. 255-L/98 dated 9.1.2001	P- In Person	Mr. Shahid Karim, ASC
9	C.P.647-L/2001	Ali Ahmed Mirza Vs. Pakistan Atomic Energy Commission.	Appeal No.672-L/98 dated 26.12.2000	Nemo	N.R.
10	C.P.931-L/2001	H.B.L. etc. Vs. Tariq Mukhtar Buttar.	Appeal No.866-L/98 dated 9.2.2001	Raja Muhammad Akram, Sr. ASC Mr. M.A. Qureshi	N.R.
11	C.P.980-L/2001	M.D. Passco, etc. Vs. Mohammad Nazir	Appeal No.1373-L/99 dated 23.2.2001	Mr. Muhammad Akram Khwaja	Nemo
12	C.P.998-L/2001	Ms. Khawar Zia Vs. P.I.A. etc.	Appeal No.913-L/98 dated 25.1.2001	Nemo	Muhammad Sharif Chaudhry, ASC
13	C.P.999-L/2001	Qaiser Hussain Siddiqui Vs. U.B.L. etc.	Appeal No.828-L/98 dated 20.2.2001	Mr. Shahid Karim, ASC	N.R
14	C.P.1008-L/2001	Mohammad Ashraf Raza Vs. The State Bank of Pakistan, etc.	Appeal No.832-L/98 dated 8.2.2001	Mian Habib Elahi, ASC.	N.R.
15	C.P.1024-L/2001 & C.P.1069-L/2001	Rao Muhammad Siddique Akhtar Vs. ADBP and others	Appeal No.683-L/98 dated 14.2.2001	Mian Mehmood Hussain, ASC Mr. Faiz-ur-Rehman Petitioner in CP 1069/01: Nemo	N.R. Mian Mehmood Hussain, ASC Mr. Faiz-ur-Rehman AOR
16	C.P.1065-L/2001 & C.P.1066-L/2001	Ghulam Sarwar Vs. PASSCO and others	Appeal No.420-L-421-L/98 dated 30.1.2001	Mr. Muhammad Jehangir Wahila, ASC Mr. M.A. Qureshi	Mr. Muhammad Akram Khawan, ASC Mr. Mehmood-ul-Islam, AOR
17	C.M.A.1439-L/2002 in C.P.1276-L/2001	Agha Shahid Rashid Vs. M.D. PTV and others	Appeal No.582-L/98 dated 10.3.2001	Nemo	N.R.
18	C.P.1291-L/2001	Liaquat Ali Daultana Vs. The President, National Bank of Pakistan, Karachi and others	Appeal No.650-L/98 dated 23.2.2001	Mian Mehmood Hussain, ASC Mr. Faiz-ur-Rehman, AOR	N.R.
19	C.P.1491-L/2001	Muhammad Iqbal Vs. The President HBL and others	Appeal No. 663-L/98 dated 10.3.2001	Syed Aqa Asif Jehfri, ASC Mr. M.A. Qureshi	Mian Abdul Rashid , ASC
20	C.P.1509-L/2001	Muhammad Arshad Butt Vs. Pakistan Engineering Company Ltd.	Appeal No.1727-L/98 dated 26.2.2001	P- In Person	N.R.
21	C.P.1557-L/2001	NBP and others Vs. Shamoan Khan and another	Appeal No.533-L/98 dated 28.2.2001	Mian Qamar uz Zaman, ASC M.A. Qureshi	Mr. Faiz-ur-Rehman, AOR
22	C.P.1638-L/2001	Muhammad Rafique Vs. Airport Director Agency and others	Appeal NO.661-L/98 dated 22.3.2001	Nemo	N.R.
23	C.P.1818-L/2001	Abid Hussain Vs.	Appeal No. NIL	Mr. Muhammad	Mr. S.M. Abdul

		ADBP and others	(L) CE/2001 dated 2.4.2001	Afzal Sidhu, ASC	Wahab, ASC Mr. M.A. Qureshi, AOR
24	C.P.1909-L/2001	Muhammad Anwar Sindhu Vs. The National Bank of Pakistan,etc.	Appeal No.2044-L/98 dated 7.5.2001	Mian Qamar uz Zaman,ASC.	N.R.
25	C.P.1983-L/2001	Faizullah Khan Vs. Chief Manager State Bank of Pakistan	Appeal No. 1416-L/98 dated	Mr. Farooq Zaman Qureshi, ASC Mr. Faiz-ur-Rehman, AOR	N.R.
26	C.P.2042-L/2001	Muhammad Latif Vs. M.D. PASSCO,etc.	Appeal No. 1541(L)/1998 Dated 13.4.2001	Ch. M. Khalid Farooq, ASC Mr. Faiz-ur-Rehman, AOR	N.R.
27	C.P.2026-L/2001	Waheed Amjad Malik Vs. U.B.L.etc.	Appeal No.1921(L)/1998 Dated 13.4.2001	Mian Mehmood Hussain, ASC Mr. Faiz-ur-Rehman, AOR	Mr. Shahid Karim, ASC
28	C.P.2030-L/2001	C.M.Bashir Vs. State Life Corporation of Pakistan,etc.	Appeal No.1860(L)/1998 Dated 20.4.2001	Nemo	Mr. Sher Zaman Khan, ASC a/w Mr. M.A. Qureshi, AOR
29	C.P.2189-L/2001	Regional Head NBP.etc Vs. Fayyaz Ahmad Bhatti	Appeal No.715(R)/1998 Dated 28.4.2001	Mian Qamar uz Zaman, ASC	Mr. Ehsan ul Haq Ch. ASC a/w Mr. M.A. Qureshi, AOR
30	C.P.2270-L/2001	Malik Muhammad Azam Vs. The M.D. PASSCO,etc.	Appeal No.1040(L)/1998 Dated 28.4.2001	Mian Mehmood Hussain, ASC Mr. Faiz-ur-Rehman, AOR	Mr. Muhammad Akram Khawaja, ASC Mr. Mehmood-ul-Islam, AOR
31	C.P.2307-L/2001	Syed Kausar Hussain Shah Vs. The President Institute of Cost and Management,etc.	Appeal No.357(L)/1999 Dated 28.4.2001	Nemo	Mr. Saleem Baig, ASC a/w Mr. M.A. Qureshi, AOR
32	C.P.2378-L/2001	Humayun Asadullah Vs. National Bank of Pakistan,etc.	Appeal No.408(L)/1998 Dated 9.5.2001	Mian Mehmood Hussain, ASC Mr. Faiz-ur-Rehman, AOR	Mian Qamar-uz Zaman, ASC
33	C.P.2426-L/2001 & C.P.2495-L/2001	Muhammad Yousaf Vs. The Central Div. State Bank of Pakistan.etc.	Appeal No.2426-L/98 & 208-(L) CE/2001 Dated 23.5.2001	Mr. Parvez Inayat Malik, ASC(CP 2426-L/01), Mr. Ghulam Nabi Bhatti, ASC (in CP 2495-l/01)	N.R.
34	C.P.2498-L/2001	U.B.L. Vs. Muhammad Rafique	Appeal No. 101(L)/1999 Dated 7.6.2001	Mr. Shahid Karim, ASC Mr. Mehmood-ul-Islam, AOR	N.R.
35	C.P.2568-L/2001	Muhammad Rafique Vs. The President, NBP.etc.	Appeal No.1908(L)/1998 Dated 4.6.2001	Nemo	Mr. Zafar Iqbal Chaudhry, ASC
36	C.P.2643-L/2001	U.B.L.etc Vs. Tanvir Ahmed Khan	Appeal No.1554(L)/1998 Dated 29.5.2001	Raja Muhammad Akram, Sr. ASC Mr. M.A. Qureshi, AOR	N.R.
37	C.P.2769-L/2001 & C.P.2972-	P.S.O. Co.Ltd.etc Vs. Syed Ibad Ali	Appeal No.1429(L)/1998	Mr. Zafar Iqbal	Nemo

	L/2001	Shah,etc.	& 301(L) CE/1998 Dated 14.7.2001	Chaudhry, ASC	
38	C.P.2777-L/2001	Syed Khalid Pervaiz Hussain Shah Vs. The P.I.A. Corp.etc.	Appeal No.1403(L)/1998 Dated 9.5.2001	Nemo	Mr. Arshad Ali Ch. AOR/ASC a/w Azmatullah Khan, Manager Legal PIA
39	C.P.2951-L/2001	Manzoor Ahmed Vs. PASSCO Ltd. and others	Appeal No.984(L)/1998 Dated 28.6.2001	Ch. Khalid Farooq, ASC Mr. Faiz-ur- Rehman, ARO	Mr. Muhammad Akram Khawaja, ASC a/w Mr. Mehmood-ul-Islam, AOR
40	C.P.3105-L/2001	Muhammad Siddique Vs. The G.M. Central Tel. Region PTCL, and others	Appeal No. 1180(L)/1999 Dated 24.7.2001	Nemo	Nemo
41	C.P.3108-L/2001	State Life Insurance Corporation of Pakistan and others Vs. Dr. Afzaal Ahmed Khan	W.P. No. 1246/1997 Dated 30.5.1997	Mr. Jehanzeb Khan Bharwana, ASC	Mr. Mehmood-ul- Islam, AOR a/w respondent
42	C.P.3173-L/2001	Tasawar Ali Sial Vs. UBL and another	Appeal No.1014(L)/1999 Dated 28.7.2001	Mian Mehmood Hussain, ASC Mr. Faiz-ur- Rehman, AOR	Mr. Shahid Karim, ASC a/w Mr. Mehmood-ul-Islam, AOR
43	C.P.3218-L/2001	Shafqat Ali Vs. HBL and others	Appeal No.1978(L)/1999 Dated 2.8.2001	Nemo	Mr. Muhammad Iqbal Khan, ASC
44	C.P.3247-L/2001 & C.P.3248- L/2001	Ghulam Muhammad Vs. Chief Eng. Projects Sui Northern Gas Pipelines Ltd. and others	Appeal No. 1845(L)/1998 & 1898(L)/1998 Dated 20.6.2001	Mian Mehmood Hussain, ASC	N.R.
45	C.P.3274-L/2001 & C.P.3275- L/2001	Maqsood Ahmed Farooqi Vs. UBL and another	Appeal No.982(L)/1999 & 986(L)/1999 Dated 4.8.2001	Mian Mehmood Hussain, ASC a/w (in 3274/01) Rana Muhammad Sarwar, ASC (in 3275/01), Mr. Faiz-ur-Rehman, AOR in both	Mr. Shahid Karim Bhatti, ASC Mr. Mehmood-ul- Islam, AOR
46	C.P.3774-L/2001 & C.P.3775- L/2001	Haroon Abbas Shahid Vs. PTCL thr. its M.D.and others	Appeal No.1058(L)CS/200 0 & 1059(L)CS/2000 Dated 23.10.2001	Mian Qamar uz Zaman, ASC	N.R
47	C.P.3994-L/2001	Abrar Ahmed Khan Alamgir Vs. Pakistan Television Corporation Ltd. thr. Chairman / Secy. and others	Appeal No.871(L)/1999 Dated 31.10.2001	P- In Person	N.R.
48	C.P.4026-L/2001 & C.P.4027- L/2001	Tehmina Bashir Vs. Chairman PTCL and others	Appeal No. 234(L)CS/2001 & 235(L)CS/2001 Dated 25.10.2001	Ps- In Person in both	Mr. Gorsie Muhammad din Ch. ASC a/w Mr. Mehmood-ul-Islam
49	C.P.4073-L/2001	Muhammad Aslam Vs. The Chairman PTCL and others	Appeal No. 7(L)CS/2001 Dated 31.10.2001	Nemo	N.R.
50	C.P.347-K/2001 & C.P.348-	Trustees of the Port of Karachi Vs.	Appeal Nos. 448 & 531 (K)CE/2000	Mr. Hashmat Ali Habib, ASC in	Mr. M.M. Aqil Awan, ASC

	K/2001	Lt.Cdr.(Retd) Abdul Narejo and others	Dated 5.12.2001	both	
51	C.P.1202-L/2002	Abdul Majeed Sh. Vs. The Director (E&D) A.D.B.P., Islamabad and others	Appeal No.18(L)/1999 Dated 20.2.2002	Ch. Khalid Farooq, ASC Mr. Faiz-ur-Rehman , AOR	Mr. Shahid Karim, ASC a/w Mr. Mehmood-ul-Islam, AOR
52	C.P.1346-L/2002	Abdul Hameed Butt Vs. State Life Insurance Corporation of Pakistan and others	Appeal No. 1552(L)CE/1998 Dated 14.3.2002	Nemo	Mr. Jehanzeb Khan Bharwana, ASC
53	C.P.1808-L/2002	Nazir Ahmed Nasir Vs. State Life Insurance Corporation of Pakistan and others	Appeal No. 104(L)/1999 Dated 18.3.2002	Nemo	Mr. Jehanzeb Khan Bharwana, ASC and Mr. Sher Zaman Khan, ASC a/w Mr. M.A. Qureshi, AOR
54	C.P.3094-L/2002 & C.P.3095-L/2002	Muhammad Naeem Vs. The President NBP and others	Appeal No. 830(L)CE/1998 Dated 22.5.2002	Mr. Abdul Rehman Siddiquie, ASC Mr. Faiz-ur-Rehman, AOR	Mr. M.A. Qureshi, AOR
55	C.P.3477-L/2002	Muhammad Arshad Vs. The President UBL and others	Appeal No.1571(L)/1998 Dated 2.7.2001	Mr. Mehmood-ul-Islam, AOR	Mr. M.A. Qureshi, AOR
56	C.P.3632-L/2002	Muhammad Bashir Vs. The President HBL and others	Appeal No.667(L)/1997 Dated 20.8.2002	Mian Mehmood Hussain, ASC a/w Mr. Faiz-ur-Rehman, AOR	Nemo
57	C.P.3797-L/2002	Abdul Basit Vs. The President N.B.P. and others	Appeal No.1529(L)/1998 Dated 17.9.2002	Mr. Faiz-ur-Rehman, AOR	Mr. Mehmood-ul-Islam, AOR
58	C.P.3807-L/2002	Ghulam Nabi Vs. ADBP	Appeal No. 1811(L)/1998 Dated 21.9.2002	Ch. Khalid Farooq, ASC Mr. Faiz-ur-Rehman, AOR	N.R.
59	C.P.4206-L/2002	Zaheer Babar Vs. Sui Northern Gas Pipelines Ltd. and others	Appeal No. 323(L)/1999 Dated 5.11.2002	Mr. Mehmood A. Sheikh, ASC	Mr. M.A. Qureshi, AOR
60	C.P.57-L/2003	Irshad Ahmed Rehmani Vs. M.D. PASSCO and two others	Appeal No. 1764(L)CE/1998 Dated 10.9.2002	Ch. Khalid Farooq, ASC a/w Mr. Faiz-ur-Rehman, AOR	Mr. M.A. Qureshi, AOR
61	C.P.180-L/2003	S. Manzoor Hussain Shah Vs. Federation of Pakistan, etc	Appeal No. 1210(L)/1999 Dated 22.11.2002	P- In Person	N.R.
62	C.P.215-K/2003	Syed Ahmed Naqvi Vs. National Engineering Service Pakistan (Pvt) Ltd. and another	Appeal No. 843(K)CE/2000 Dated 21.02.2003	P- In Person	N.R.
63	C.P.276-L/2003	PTCL thr. its G.M., etc Vs. Ali Ahmed	Appeal No. 721(L)/1999 Dated 12.12.2002	Ch. Muhammad Sharif, ASC	N.R.
64	C.P.284-K/2003	Khurshid Alam Qureshi Vs. H.B.F.C. and others	Appeal No. 1048(K)/1999 Dated 6.3.2003	Mr. A.S. K. Ghor, ASC	Raja Sher Muhammad Khan, AOR
65	C.P.293-L/2003	Aftab-ur-Rehman Meer Vs. President HBL, etc	Appeal No. 805(L)/1999 Dated 12.12.2002	P- In Person	N.R.
66	C.P.329-L/2003	Azhar Abbas Bokhari Vs. Asst. Engineer, etc	Appeal No. 431(L)/1999 Dated 11.12.2002	Nemo	N.R.

67	C.P.401-K/2003	Ex-Havaladar Tassadaq Hussain Vs. Federal Service Tribunal and another	Appeal No. 279(K)CS/2002 Dated 19.3.2003	P- In Person	Raja Muhammad Irshad, DAG a/w Ch. Akhtar Ali, AOR
68	C.P.441-L/2003 & C.P.442-L/2003	Muhammad Akram Aftab Vs. Sui Northern Gas Pipelines Ltd., etc	Appeal Nos. 711(L) & 712(L)/1999 Dated 23.12.2002	Mr. Faiz-ur-Rehman, AOR	Mr. M.A. Qureshi, AOR
69	C.P.544-L/2003	Mohammad Ismail Qureshi Vs. HBL, etc	Appeal No. 1182(L)/1999 Dated 20.2.2003	Mr. Faiz-ur-Rehman, AOR	N.R.
70	C.P.584-K/2003	Dr.Sahib Khan Kheshkhely Vs. Federation of Pakistan M/O Industries and Production and others	Appeal No. 118(K)CE/2003 Dated 29.5.2003	Nemo	N.R.
71	C.P.654-L/2003	Gul Nawaz Khan Vs. HBL, etc	Appeal No. 999(L)/1999 Dated 16.1.2003	P- In Person	Mian Muhammad Saleem, ASC
72	C.P.712-L/2003	Mian Javed Akhtar Vs. State Life Insurance Corp., etc	Appeal No. 38(L)CE/2002 Dated 11.12.2002	Nemo	Mr. Jehanzeb Bharwana, ASC
73	C.P.735-L/2003	Abdul Sattar Vs. Passco thr. its M.D., etc	Appeal No. 724-L/1999 Dated 23.1.2003	P- In Person	N.R.
74	C.P.884-L/2003	Muhammad Anwar Butt Vs. HBL, etc	Appeal No. 208(L)CE/2002 Dated 17.2.2003	P- In Person	N.R.
75	C.P.911-K/2003	Pakistan Reinsurance Co.Ltd. Vs. Humayun Zia and another	Appeal No. 1158(K)/1998 Dated 16.10.2003	Nemo	N.R.
76	C.P.912/2003 & C.P.529-531/2004	Gulzar Ahmad Soomro Vs.Sui Southern Gas Co.Ltd.	Appeal Nos. 40(R)CE/2003, Dated 26.3.2003 Appeal No. 1328(K)/1999, 327(CE)/2001 & 328(CE)/2001 Dated 4.11.2003	Khawaja Muhammad Farooq, ASC a/w petitioner (in 912/03) Malik Muhammad Qayyum, ASC (529-531/04) Nemo	Ejaz Muhammad Khan, AOR (in 912/03) Khawaja Muhammad Farooq, ASC, Sheikh,Riaz Ul Haq, ASC, Sardar Liaqat Ali, Ch. Arshad Ali (in CP 520-231)
77	C.P.982-L/2003	Abdul Malik Vs. Vice President & Zonal Chief, HBL, etc	Appeal No. 223(L)/1999 Dated 25.3.2003	Nemo	N.R
78	C.P.1025-L/2003	Muhammad Adnan Hanif Vs. PTCL thr. its Chairman, etc		P- In Person	N.R
79	C.P.1112-L/2003	Khizer Hayat Vs. HBL, etc	Appeal No.69(L)CE/2002 Dated 26.2.2003	Mr. Muhammad Riaz Lone, ASC	N.R.
80	C.P.1166-L/2003	Abdul Majeed Siddiqui Vs. The President HBL, etc	Appeal No. 1595(L)/1998 Dated 24.2.2003	P- In Person	N.R.
81	C.P.1267/2003	Pakistan State Oil	Appeal No.	Mr. Zafar Iqbal	N.R.

	(D.B)	Co.Ltd and another Vs. Madah Khan Mehsud	177(P)CE/2001 Dated 29.4.2003	Chaudhry, ASC	
82	C.P.1271-1272/2003	State Life Insurance Corporation of Pakistan and others Vs. Muhammad Munir Chishti	Appeal Nos. 1017(R) CE/2001 & 1018 (R) CE/2001 Dated 23.4.2003	Mr. Ibadur Rehman, ASC Mr. Ejaz Muhammad Khan, AOR	N.R.
83	C.P.1282-1283/2003	United Bank Ltd . and others Vs. Khan Muhammad Shah	Appeal Nos. 204 (P) & 205 (P)/1998 Dated 5.7.2001	Mr. Nafees Ahmad Siddiqui, ASC Mr. M.A. Zaidi, AOR	N.R.
84	C.P.1288-L/2003	Waqar Ahmed Khan Vs. PTC thr. its G.M. and others	Appeal No. 205(L)/1999 Dated 21.4.2003	Nemo	Gorsi Muhammad Din Chaudhry, ASC, Ch. Muhammad Sharif, ASC a/w Mr. Mehmood-ul-Islam, AOR
85	C.P.1312/2003	Divisional Engineer,Telegraphs, Batkhela and another Vs. Jehani Room	Appeal No. 25(P)CE/2002 Dated 21.4.2003	Hafiz S.A Rehman, Sr. ASC Mr. Mehr Khan Malik	Mr. Abdul Rehman Siddiqui, ASC Mr. Arshad Ali Ch
86	C.P.1314-L/2003	Khalil Ahmed Vs. Zonal Head NBP, and others	Appeal No. 1544(L)/1998 Dated 17.3.2003	Mr. Faiz-ur-Rehman, AOR	Mr. Mehmood-ul-Islam, AOR
87	C.P.1339/2003	Habib Bank Ltd. and others Vs. Muhammad Yousuf	Appeal No. 106(Q)CW/2001 Dated 30.3.2003	Mr. Shahid Anwar Bajwa, ASC Mr. M.S. Khattak, AOR	N.R
88	C.P.1415/2003 (C.O)	Syed Tassarwar Hussain Shah Vs. Chairman Pakistan Agricultural Research Council and others	Appeal No. 906(R)CE/2001 Dated 21.5.2003	Mr. Abdul Rehman Siddiqui, ASC Ch Muhammad Akram	Mr. AM. Billal, Sr. ASC Syed Zafar Abbas Naqvi, AOR
89	C.P.1432-L/2003	Qamar uz Zaman Vs. National Bank of Pakistan thr. its President and others	Appeal No. 1769(L)1998 Dated 2.4.2003	Mr. Faiz-ur-Rehman, AOR	Mr. Noor Muhammad Khan Chandia, ASC
90	C.P.1515-1516/2003	State Bank of Pakistan and another Vs. Shams-ul-Islam	Appeal No.476(R)CE & 518(R)CE/2002 Dated 23.4.2003	Mr. Khalid Anwar, Sr. ASC Raja Abdul Ghafoor, AOR	R-In person
91	C.P.1611/2003	The Regional Chief H.B.L. Regional Office Quetta and others. Vs. Muhammad Musa Khan.	Appeal No. 39(Q)CE/2000 Dated 30.3.2003	Mr. Shahid Anwar Bajwa, ASC Mr. M.S. Khattak, AOR	N.R.
92	C.P.1645-1648/2003& 1657-1658/2003	National Bank of Pakistan thr.its President and others Vs. Sohail Ahmad	Appeal Nos. 1170, 1171, 1172, 1173, 1174, 1175 (R)CW/2002 Dated 2.6.2003	Mian Muhammad Qamaruz Zaman, ASC Raja Abdul Ghafoor, AOR	N.R.
93	C.P.1674-L/2003	Executive Board of Director thr. its President HBL and	Appeal No. 71(L)CE/2000 Dated 2.5.2003	Mr. Mehmood-ul-Islam , AOR	Nemo

		another Vs. Muhammad Arshad Mehmood Cheema			
94	C.P.1788-L/2003	Ishtiaq Ahmed Sipra Vs. State Life Insurance Corporation of Pakistan and another	Appeal No. 73(L)CE/2000 Dated 14.5.2003	Nemo	Mr. Muhammad Jehanzeb Khan Bharwana, ASC
95	C.P.1857/2003	Shahid Amin Vs. M/s P.T.C.L., and another	Appeal No.33(R)Cs/2001 Dated 28.6.2003	Agha Tariq Mehmood, ASC Ch. Akhtar Ali, AOR	N.R.
96	C.P.1899- 1900/2003	Ahmed Gul Vs National Bank of Pakistan	Appeal No. 697(L)1997 & 1879(L)/1998 Dated 18.7.2003	Mr. M.A. Qureshi, AOR (in CP1899/03) Mr. Faizur Rehman, AOR (in CP 1900/03)	Nemo in 1899/03 N.R. in 1900/03
97	C.P.2003/2003	Hussain Ahmed Siddiqi Vs. State Engineering Corp. & others	Appeal No. 1139(R)CE/2001 Dated 22.7.2003	Shah Abdul Rashid, Sr. ASC Mr. Mehr Khan Malik	Ms. Naheeda Mehboob Elahi, DAG Mr. Nadeem Afzal Lone, ASC Ch. Akhtar Ali, AOR
98	C.P.2013/2003.	Manzoor Hussain Vs. H.B.L. & others	Appeal No. 1031(R)CE/2001 Dated 13.8.2003	Mr. Saadat Muhammad Waraich, ASC	Mian Abdul Rauf, ASC Mr. M.A. Zaidi, AOR
99	C.P.2134-L/2003	Hassan Tariz Qadri Vs. Sui Northern Gas Pipe Lines Ltd., etc	Appeal No. 231(L)CE/2002 Dated 10.6.2003	Mr. Zahid Farani Sheikh, ASC	Mr. M.A. Qureshi, AOR
100	C.P.2139-L/2003 & C.P.2140- 2141-I/2003	Shaukat Hayat Vs. PTV. Ltd, etc	Appeal No. 98, 99 & 101 (L)CE/2002 Dated 3.6.2003	Mr. M.A. Qureshi, AOR	N.R.
101	C.P.2146-L/2003	Muhammad Jameel Khan Vs. Chairman ADBP, etc	Appeal No. 187(L)/1999 Dated 12.6.2003	Nemo	Mr. Muhammad Afzal Sidhu, ASC
102	C.P.2211-L/2003	Muhammad Iqbal Javed Vs. D.G. Pakistan Broadcasting Corp. Islamabad, etc	Appeal No. 1788(L)/1998 Dated 16.7.2003	Nemo	N.R.
103	C.P.2254-L/2003	Ranvir Ahmad Siddiqui Vs. National Bank of Pakistan, etc	Appeal No. 1243(L)/1999 Dated 28.6.2003	Mr. Ali Akbar Qureshi, ASC Dr. Sohail Akhtar, ASC	N.R.
104	C.P.2299-L/2003	Habib Bank Ltd. and others Vs. Malik Muhammad Bashir Awan and another	Appeal No.650(L)/1997 Dated 3.7.2003	Mian Abdul Rashid, ASC	N.R.
105	C.P.2363-L/2003	Muhammad Maqsood Elahi Vs. National Bank of Pakistan	Appeal No.330(L)CE/2000 Dated 14.7.2000	Nemo	Mr. Mehmood-ul- Islam, AOR
106	C.P.2434/2003	Masood Ahmed Vs. Fed. of Pakistan thr. Secy. M/o Information Media Development, Islamabad & others	Appeal No.111(Q)CE/2001 Dated 4.6.2003	Nemo	N.R.
107	C.P.2565/2003	Muhammad Khurshid	Appeal No.	Ch Muhammad	Raja Muhammad

		Vs. Allama Iqbal Open University	1226(R)CE/2001 Dated 15.8.2003	Akram, AOR	Ibrahim Satti, ASC Mr. M.S. Khattak, AOR
108	C.P.2566-L/2003	Manzoor ul Hassan Vs. National Bank of Pakistan and another	Appeal No.78(L)/1999 Dated 17.2.1999	Nemo	Nemo
109	C.P.2568-2569/2003 & 2579, 2604/03 & C.P.515/2004	Chairman National Highway Authority Vs. Munir Ahmed Memon	Appeal No. 1081(R)CE/2002, Dated 5.8.2003 Appeal No.1138(R)CE/2002 Dated 10.6.2003 Appeal No.1081(R)CE/2002 dated 5.8.2003 Appeal No. 175(K)CS/2001 Dated 10.7.2003 Appeal No. 492(R)CS/2002	Hafiz S.A. Rehman, Sr. ASC a/w Mr. Mehr Khan Malik, AOR (in CPS 2568-69 & 2604/03 Sheikh Riaz Ul Haq, ASC a/w Ch. Muhammad Akram(in CPs2579/03) Nemo (515/04)	Sheikh Riaz Ul Haq, ASC a/w Mr. M.A. Zaidi, AOR (in 2568-2569, 2604/03 & 515/04) Hafiz S.A. Rehman, Sr. ASC (in CP 2579/03)
110	C.P.2017-2020/2003 & 2576/2003	G.M. NTR. PTC,L etc. & another Vs. Naseer Muhammad & others	Appeal No.212(P), 213(P), 215(P), 217(P)/1998 Dated 3.7.2003	Ch. Khalid Farooq, ASC a/w Mr. Faiz-ur-Rehman, AOR (2017-2020/03) Mr. Abdul Rehman Siddiqui, ASC a/w Ch. Muhammad Akram, AOR (2576/03)	Mr. Abdul Rehman Siddiqui, ASC a/w Arshad Ali Chaudhry, AOR (in 2017-2020/03) Nemo in CP 2576/03
111	C.P.2627/2003	Manager H.B.L. & another Vs. Jehanzeb & another	Appeal No. 16(P)CW/2001 Dated 15.8.2003	Khawaj Muhammad Farooq, ASC Mr. M.A. Zaidi, AOR	R- In Person
112	C.P.2748-L/2003	The Regional / Zonal Chief NBP and others Vs. Ghulam Abbas Ali Khan	Appeal No.1128(L)/1999 Dated 10.9.2003	Mian Qamar Uz Zaman, ASC	N.R.
113	C.P.2752-L/2003	Zulfiqar Ali Vs. The M.D. SBFC, Islamabad.	Appeal No.1081(L)/1999 Dated 2.10.2003	Mian Mehmood Hussain, ASC	Mr. Tariq Aziz, ASC a/w Mr. Ejaz Muhammad Khan, AOR
114	C.P.2773-L/2003	Muhammad Rafique Vs. Chairman State Engg. Corporation and another	Appeal No.235(L)CE/2002 Dated 7.10.2003	In person	Dr. Sohail Akhtar, ASC Mr. M.A. Qureshi, AOR
115	C.P.2774-L/2003	Ghulam Abbas Ali Khan Vs. The Zonal Chief NBP and others	Appeal No.1128(L)/1999 Dated 10.9.2003	Mian Mehmood Hussain, ASC	Mian Muhammad Qamar Uz Zaman, ASC
116	C.P.2792-2793-L/2003	Niaz Ahmed Sh. Vs. The President HBL and others	Appeal No.175(L)CE & 176(L)CE/2000 Dated 15.10.2003	Mr. Hanif Ahmad Dogar, ASC	N.R.
117	C.P.2805-L/2003	Muhammad Yasin Vs. Secy. Evacuee Trust Property Board Lahore and others	Appeal No.165(L)CS/2003 Dated 1.10.2003	Mr. Zahid Hussain, ASC	Mian Muhammad Qamar Uz Zaman, ASC Raja Abdul Ghafoor
118	C.P.2825-L/2003	Muhammad Alam Vs. General Manager Telecommunication Region South-II Egerton Road Lahore	Appeal No.77(L)CS/2003 Dated 19.9.2003	Ch. Muhammad Sharif, ASC	Gorsi Muhammad Din Chaudhry, ASC Mr. Mehmood-ul-Islam, AOR

		and another			
119	C.P.2836-L/2003	Raja Hassan Shehbaz Vs. Pakistan Atomic Energy Commission and another	Appeal No. 717(L)/2003 Dated 12.5.2003	Nemo	N.R.
120	C.P.2881-L/2003	The President Habib Bank Ltd. and others Vs. Muhammad Younus Shah	Appeal No.119(L)/1998 Dated 24.9.2003	Mian Muhammad Saleem, ASC	Agha Tariq Mehmood, ASC Ch. Akhtar Ali, AOR
121	C.P.3001/2003	Ch. Khan Mirza Vs. State Life Insurance	Appeal No. 246(R)/2003 Dated 10.9.2003	Rao Fazal Akhtar, ASC Mr. Ejaz Muhammad Khan, AOR	Agha Tariq Mehmood, ASC Ch. Akhtar Ali, AOR
122	C.P.3011/2003	Habib Bank Ltd. & another Vs. Muntazim Khan & others	Appeal No. 233(P)CS/2002 Dated 17.9.2003	Khawaja Muhamamd Farooq, ASC Mr. M.A. Zaidi, AOR	N.R
123	C.P.3074-L/2003	Muhammad Akbar Vs. HBL thr. its President and others	Appeal No. 137(L)CE/2003 Dated 22.10.2003	Mr. Faiz-ur-Rehman, AOR	N.R.
124	C.P.3076/2003	Muhammad Aslam Vs. G.M. Western Telephone Region-III and others	Appeal No.1937(L)/1998 Dated 22.9.2003	Mr. Jamal Khan, Mando Khel, ASC	Nemo
125	C.P.3088/2003	SME Bank Ltd., etc. Vs. Irfan Walayat and others	Appeal No. 67(R)CE/2003 Dated 1.10.2003	Mr. Muhammad Akram Sheikh, Sr. ASC & Hafiz S.A. Rehman, a/w Mr. Mehr Khan Malik, AOR	Mr. Abdul Rehman Siddiqui, ASC a/w Ch. Muhammad Akram, AOR
126	C.P.3134/2003	Dildar Khan Vs. The Chairman, State Life Insurance Corporation, Karachi & others	Appeal No.1072(R)CE/2001 Dated 4.9.2003	Rao Fazal Akhtar, ASC Ch. Akhtar Ali	Agha Tariq Mehmood, ASC Mr. Ejaz Muhammad Khan
127	C.P.3175/2003	State Life Insurance Corporation and another Vs. Dadan Khan Jadoon	Appeal No.80(P)CE/2000 Dated 6.10.2003	Mr. Ibadur Rehman Lodhi, ASC Mr. Ejaz Muhammad Khan, AOR	N.R.
128	C.P.3182/2003	M/s Sui Southern Gas Company Ltd. Vs. Abdullah Nohri	Appeal No.1805(K)/1998 Dated 5.6.2003	Khawaja Muhammad Farooq, ASC Mr. M.S. Khattak, AOR	N.R.

129	C.P.3238-L/2003	M.D. Sui Northern Gas Pipelines Ltd. Lahore and others Vs. M. Naeem and another	Appeal No.1806(L)/1998 Dated 17.11.2003	Mahmood A. Qureshi, AOR	N.R
130	C.P.3288-L/2003	Muhammad Siddiq Naseem Vs. PIA Corporation thr. its Chairman and another	Appeal No.54(L)/1999 Dated 28.10.2003	Sh. Masood Akhtar, AOR/ASC	Mr. Arshad Ali Ch, AOR a/w Mr. Asmatullah Khan, Manager legal PIA
131	C.P.3369-3381/2003	Muhammad Mukhtar Khan Vs A.D.B.P through its chairman etc.	Appeal No.4(R)CE/2003, 1293(R)CE, 1294(R)CE, 1295(R)CE, 1297(R)CE, 1299(R)\CE, 1300(R)CE, 1311(R)CE, 1312(R)CE, 1398(R)CE, 1399(R)CE, 1400(R)CE, 1403(R)CE/2002 Dated 18.10.2003	Mr. Attaur Rehman, ASC a/w Raja Abdul Ghafoor, AOR	Hafiz S.A. Rehman, Sr. ASC, Mr. Muhamamd Naeem Sheikh, ASC a/w Mr. M.A. Zaidi, AOR
132	C.P.3386/2003	State Life Insurance Corporation of Pakistan and another Vs. Khalil A. Sheikh	Appeal No.1156(R)CE/2002 Dated 3.10.2003	Mr. Ibadur Rehman Lodhi, ASC Mr. Ejaz Muhammad Khan, AOR	N.R.
133	C.P.3387/2003	President HBL, Ltd. & others Vs. Javaid Iqbal Qureshi & another	Appeal No.348(R)CE/2000 Dated 15.8.2003	Rai Muhammad Nawaz Kharral, ASC Mr. Ejaz Muhammad Khan, AOR	R- In Person
134	C.P.52/2004	Arman ul Haq Siddqui Vs. United Bank Ltd. and another	Appeal No. 1398(K)/1997 Dated 10.11.2003	Mr. Asmat Kamal, ASC	N.R.
135	C.P.74/2004	National Bank of Pakistan, Karachi and another Vs. Khalid Mehmood Yousaf	Appeal No. 962(R)CE/2001 Dated 8.11.2003	Khawaj Muhammad Farooq, ASC Mr. Muhammad Aslam Uns, ASC a/w Mr. M.A. Zaidi AOR	N.R.
136	C.P.106-L/2004	Muhammad Younus Vs. ADBP thr. its Chairman and others	Appeal No.31(L)CE/2003 Dated 12.11.2003	Ch. Muhammad Ibrahim, ASC	Mr. Muhammad Afzal Sidhu, ASC a/w Mr. M.A. Qureshi, AOR
137	C.P.109-L/2004	Muhammad Rashid Vs. Regional Chief N.B.P. of Ltd.	Appeal No.242(L)/1999 Dated 23.9.2003	P- In Person	N.R.
138	C.P.136-L/2004	Riaz Hussain Shah Vs. Chief Engg. (EHV) North, National Transmission and	Appeal No. 643(L)CS/2002 Dated 7.11.2003	P- In Person	N.R.

		Despatch Company Ltd. and others			
139	C.P.192/2004	P.T.C.L. and another Vs. Ghulam Farooq, Deputy Director (Internal Audit) and others	Appeal No.594(R)CS/2002 Dated 3.11.2003	Mr. Naheem Bukhari, ASC Mr. Mehr Khan Malik	Raja Abdul Ghafoor, ARO
140	C.P.193/2004	M.D. Oil Gas Development Corporation Ltd. and another Vs. Dr. Zahid Aleem Malik and others	Appeal No.1556(R)CE/2002 Dated 4.11.2003	Rai Muhammad Nawaz Kharal, ASC a/w Mr. M.S. Khattak, AOR	N.R.
141	C.P.235-L/2004	Ghulam Samdani Hashmi Vs. Managing Director, NESPAK and another	Appeal No.176(L)/2003 Dated 20.12.2003	Nemo	N.R.
142	C.P.265/2004	Fayyaz ur Rehman Vs. F.S.T. Islamabad and another	Appeal No.140(R)CE/2002 Dated 4.11.2003	P- In Person	N.R.
143	C.P.294-L/2004	Kh. Muzammil Hussain Vs. Habib Bank Ltd. and others	Appeal No.418(L)CE/2000 Dated 19.12.2003	Nemo	N.R.
144	C.P.329/2004	Malik Dad and another Vs. Karrar Khalid and another	Appeal No.1397(R)CE/2002 Dated 23.12.2003	Hafiz S.A. Rehman, Sr. ASC Mr. M.S. Khattak, AOR	N.R.
145	C.P.337-L/2004	Masud Akhtar Khan Vs. IDBP and others	Appeal No.710(L)CE/2000 Dated 13.11.2003	Mian Mehmood Hussain, ASC	N.R.
146	C.P.359-K/2004	Mukhtar Ahmed Brohi Vs. Govt.of Pakistan thr.its Secy.M/O Finance and others	Appeal No.413(K)CE/2001 Dated 7.2.2004	Mr. N.C.Motiani ASC/AOR	Raja Sher Muhammad Khan, ASC/AOR
147	C.P.349-353/2004	National Bank of Pakistan, thr. Attorney and others Vs. Abdul Aziz	Appeal No.440(L), 636(L)/1998 Dated 11.12.2003 Appeal No. 698(L)/1998 Dated 4.12.2003 Appeal No. 1079(L)/1998 Dated 11.12.2003 Appeal No. 1340(L)/1998 Dated 4.12.2003	Khawaja Muhammad Farooq, ASC aw/ Mr. M.A. Zaidi, AOR	N.R.
148	C.P.365-L/2004	The Regional Head NBP Ltd. and others Vs. Gulzar Ahmed	Appeal No. 697(L)/1998 Dated 4.12.2003	Nemo	N.R.
149	C.P.380-381-K/2004	Rasheed Ahemd Bhutto Vs. Ministry of Industries and Production and another	Appeal No.5 & 6 (K)CE/2000 Dated 20.2.2004	Nemo	N.R.

150	C.P.386-K/2004	Muhammad Aslam Khan Vs. Civil Aviation Authority and others	Appeal No.356(K)CE/2001 Dated 4.3.2004	P- In Person	N.R.
151	C.P.391-392/2004	National Bank of Pakistan Ltd. Vs. Qurban Ali Channa and others	Appeal No.1962 & 1964(K)/1998 Dated 18.7.2003	Mr. Mehmood-ul-Islam	N.R.
152	C.P.416-L/2004	Malik Muhammad Noor Vs. Chairman State Cement Corporation of Pakistan Pvt. Ltd.	Appeal No.4(L)CE/2003 Dated 9.12.2003	Nemo	N.R.
153	C.P.418-L/2004	Rana Muhammad Khalil Vs. National Bank of Pakistan thr. its President and others	Appeal No.556(L)CE/2000 Dated 10.12.2003	P- In Person	Noor Muhammad Chandia, ASC Mr. Mehmood-ul-Islam, AOR
154	C.P.419/2004	Pakistan International Airlines Corporation thr.M.D. and another Vs. Sohail Rashid	Appeal No.435(K)CE/2002 Dated 11.12.2002	Mr. Arshad Ali Chaudhry, AOR a/w Asmatullah Khan, Legal Manager PIA	N.R.
155	C.P.421-L/2004	National Bank of Pakistan thr. its President and others Vs. Akhtar Hussain Khalid		Nemo	Muhammad Aslam Uns, ASC Mr. M.A. Zaidi, AOR
156	C.P.419-424-K/2004	Talatul Wahid and another Vs. Aurangzeb and others	Appeal No. 853 to 856, 858 & 859(K)CE/2000 Dated 9.3.2004	Raja Sher Muhammad Khan	Mr. Mehr Khan Malik AOR in CP 419-K/04
157	C.P.425-K/2004	Fazil Umer Vs. federation of Islamic Republic of Pakistan and another	Appeal No.59(K)CE/2000 Dated 8.3.2004	P- In Person	N.R.
158	C.P.499/2004	P.I.A. Corporation, thr. its Chairman Vs. Imran Ahmed Khan and another	Appeal No. 91(K)CE/2004 Dated 26.2.2004	Mr. Javed Altaf, ASC Mr. Faiz-ur-Rehman, AOR	Raja Abdul Ghafoor, AOR
159	C.P.425-L/2004	Noor Ahmed Captain Vs. The Manager ADBP and others		Zahid Hussain Khan, ASC	N.R.
160	C.P.464-K/2004	Shoukat Ali Khan Vs. The Director General Pakistan Broadcasting Corporation and others	Appeal No.1507(K)CE/2001 Dated 29.3.2004	Mr. Niaz Ahmad Khan, ASC	N.R.
161	C.P.466-K/2004	Ghulam Abbas Memon Vs. The Secy.M/O Industries and Production and others	Appeal No. 873(K)CE/2002 Dated 31.3.2004	P- In Person	N.R.
162	C.P.527/2004	Munawar Hussain Vs. Chairman Dr. Abdul Qadeer Khan Research Laboratories (KRL)	Appeal No. 1210(R)CE/2003 Dated 24.12.2003	P- In Person	Muhammad Aslam Uns, ASC Mr. M.A. Zaidi, AOR

		and another			
163	C.P.562/2004	Tariq Waheed Khan Vs. The President N.B.P. of Pakistan and others	Appeal No.35(Q)/1999 Dated 15.12.2003	Petition in person	Mr. Muhammad Rasheed Qamar, ASC Raja Abdul Ghafoor, AOR
164	C.P.514-515-K/2004	Salahuddin Vs. Minister for Agriculture/Chairman and others	Appeal No. 27/1998 Dated 31.3.2000 Appeal No. 202/2002 Dated 13.4.2004	Nemo	Raja Abdul Ghafoor, AOR
165	C.P.545-K/2004	Liaquat Ali Khanzada Vs. The Minister for Agriculture Chairman and others	Appeal No. 202/2002 Dated 29.4.2004	Nemo	Raja Abdul Ghafoor, AOR
166	C.P.627-629/2004	Nazar Shah Khattak Vs. The Chairman, Pakistan Telecommunication and others	Appeal No. 416(L)CS/2001, 151 & 155(L)CS/2002 Dated 23.1.2004	Nemo	N.R.
167	C.P.657-K,659-K/2004	Bashir Ahmed Vs. Pakistan Steel Mills & another	Appeal No. 9(K)CE/2001 Dated 18.6.2004	Nemo	Mr. M.G. Dastagir, ASC Raja Sher Muhammad Khan, AOR
168	C.P.671-K/2004	Dr.Mushtaq Ahmed Sheikh Vs. Pakistan Steel and others	Appeal No. 1511(K)CE/2001 Dated 10.7.2004	Nemo	Mr. M.G. Dastagir, ASC Raja Sher Muhammad Khan, AOR
169	C.P.703/2004	Agricultural Development Bank of Pakistan (Now Z.T.B. L.) thr. its Chairman Vs. Ijaz Akhtar	Appeal No. 1208(R)CE/2002 Dated 5.12.2003	Hafiz S.A. Rehman, Sr. ASC Mr. Mehr Khan Malik, AOR	N.R.
170	C.P.802-K, 812-K/2004	Muhammad Akbar Tariq Vs. M/s Pakistan Steel Mills Corp. and others	Appeal No.757(K)CE/2000 Dated 16.9.2004	Nemo in CP 802-K/04 Mr. M.G. Dastagir, ASC in CP812-K/04	Mr. M.G. Dastagir, ASC in CP802-K/04 Nemo in CP 812-K/04
171	C.P.889/2004	M.D. Pakistan Agricultural Storage & Services Corporation Ltd. and others Vs. Rana Abdur Raoof	Appeal No. 638(L)CE/2000 Dated 5.3.2004	Muhamamd Akram Khawaja, ASC Mr. Mehmood-ul-Islam AOR	N.R.
172	C.P.905/2004	Chairman N.H.A., Islamabad Vs. Muhammad Imtiaz Khan and another	Appeal No. 14(Q)CE/2003 Dated 9.2.2004	Hafiz S.A. Rehman, Sr. ASC Mr. Mehr Khan Malik, AOR	N.R.
173	C.P.914/2004	S.M.E. Bank Limited Vs. Muhammad Saleem Javed and others	Appeal No. 740(L)/1999 Dated 30.1.2004	Mr. U.K. Butt, ASC Mr. Ejaz Muhammad Khan AOR	Mr. Almas Haider Kazmi, ASC Mr. Arshad Ali Ch. AOR
174	C.P.927/2004 (Ch.O)	Munawar Ahmad CHASNUPP Site Kundian Vs. Chairman Pakistan Atomic Energy Commission Islamabad.	Appeal No.566(R)CE/2002 Dated 4.3.2004	P- In Person	Raja Muhammad Ibrahim Satti, ASC Mr. Ejaz Muhammad Khan, AOR

175	C.P.1006/2004	Cantonment Board Wah Cantt. thr. its Executive Officer and another Vs. Ghulam Rabbani	Appeal No. 517(R)CS/2003 Dated 24.2.2004	Agha Tariq Mehmood, ASC Ch. Akhtar Ali. AOR	N.R.
176	C.P.1007/2004	Zari Taraqiati Bank Ltd. through its Chairman and others Vs. Muhammad Samin Jan	Appeal No. 113(P)CE/2002 Dated 26.2.2004	Mr. Muhammad Rasheed Qamar, ASC Raja Abdul Ghafoor AOR	Sh. Riaz Ul Haq, ASC Mr. Arshad Ali Ch.,AOR
177	C.P.1021/2004	P.S.O. Company Ltd. thr. its M.D. PSO House and another Vs. Ansar Iqbal Zafar	Appeal No. 956(K)CE/2002 Dated 26.4.2004	Mr. Zafar Iqbal Ch. ASC	R- In Person
178	C.P.1022/2004	Abdul Majeed Sial Vs. A.D.B.P. Ltd. thr. its Chairman and another	Appeal No. 1298(R)CE/2002 Dated 20.2.2004	Nusrat Javed Bajva, ASC	Mr. Muhammad Afzal Sindu, ASC Mr. Mehmood-ul-Islam, AOR
179	C.P.1048-L/2004	Gulzaib Hussain Vs. Sui Northern Gas Pipelines Ltd. and others	Appeal No. 674(L)/1997 Dated 10.1.2004	Mr. Faiz-ur-Rehman, AOR	Mr. M.A. Qureshi, AOR
180	C.P.1074-L/2004	Intizar Hussain Vs. M.D. HBFC, Karachi and others	Appeal No. 79(L)CE/2000 Dated 6.1.2004	Nemo	Nemo
181	C.P.1112-L/2004	Muhammad Saleem Malik Vs. The ADBP and others	Appeal No.1451(L)/1999 Dated 10.2.2004	Nemo	Muhammad Afzal Sindu, ASC Mr. Mehmood-ul-Islam
182	C.P.1125/2004	Zafar ul Haq Vs. Sui Northern Gas Pipelines Ltd. and another	Appeal No. 405(L)CE/2000 Dated 9.4.2004	P- In Person	Mr. M.A. Qureshi, AOR
183	C.P.1127/2004	SME Bank Ltd. Vs. Syed Husnain Tariq	Appeal No. 390 & 374(R)CE/2001 Dated 28.2.2004	Tariq Aziz, ASC Mr. Ejaz Muhammad Khan, AOR	R- In Person
184	C.P.1142-L/2004	Faisal Hameed Khan Vs. Chairman PTCL and others	Appeal No. 876(L)CS/2000 Dated 28.1.2004	Nemo	Gorsi Muhammad Din Ch. ASC
185	C.P.1145-L/2004	Allah Bakhsh Vs. Coordinator (Operations) Zarai Taraqiati Bank Ltd Islamabad and others	Appeal No. 1145(L)CE/2003 Dated 21.1.2004	Nemo	Muhammad Afzal Sindu, ASC Mr. Mehmood-ul-Islam, AOR
186	C.P.1146/2004	Nadeem Asghar Vs. P.I.A. Corporation, thr. its Chairman, Karachi and others	Appeal No. 160(L)CE/2002 Dated 15.3.2001	Mr. Arshad Ali Ch.	Ch. Muhammad Ashraf, ASC Mr. M.S. Khattak, AOR
187	C.P.1188-L/2004	The Chief Manager, State Bank of Pakistan and another Vs. Muhammad Shafi	Appeal No. 421(L)CE/2000 Dated 19.1.2004	Mr. Mehmood-ul-Islam, AOR	Mr. M.A. Qureshi, AOR
188	C.P.1343-1448/2004	Cotton Trading, Corporation of Pakistan (Pvt), Ltd. and anohter Vs. Muhammad Afzal and another	Appeal No. 89, 150 to 153(L)CE/2002 & 252(L)CS/2002 Dated 5.4.2004	Hafiz S.A. Rehman, Sr. ASC Mr. M.A. Zaidi AOR in all	In person in CP1344/04
189	C.P.1413/2004	Sagheer Ahmed ul	Appeal No. 717(L)	Raja Muhammad	Mr. Mehmood-ul-

		Hassan Asif Vs. PASSCO thr. its Executive Committee/Board of Director PASSCO and another	CE/2000 Dated 19.4.2004	Asghar ASC Mr. M.A. Zaidi, AOR	Islam, AOR
190	C.P.796-K/2005	Abdul Fateh Langah Vs. M/s Pakistan Steel Mills	Appeal No. 950(K)CE/2003 Dated 15.9.2005	P- In Person	N.R.
191	C.P.1492/2004	Mukhtar Hussain Kharal Vs. President of SME Bank, Islamabad and others	Appeal No. 117(R) CE/2003 Dated 30.4.2004	Hafiz S.A. Rehman, Sr. ASC Mr. M.A. Zaidi	N.R.
192	C.P.1598-L/2004	National Bank of Pakistan Vs. Muhammad Irshad.	Appeal No. 572(L)CE/2000 Dated 11.3.2004	Mian Qamar-uz Zaman, ASC Mr. M.A. Qureshi	N.R.
193	C.P.1610/2004	Younus Masih Vs. A.Q. Khan Research Laboratories thr. its Chairman	Appeal No. 1139(R)CE/2002 Dated 17.3.2004	Ch Muhammad Akram AOR	N.R.
194	C.P.1625/2004	National Bank of Pakistan, thr. its Attorney and others Vs. Muhammad Anwar	Appeal No.1043(R)CE/2001 Dated 27.4.2004	Khawaja Muhammad Farooq, ASC Mr. M.A. Zaidi, AOR	N.R.
195	C.P.1637-1638-L/2004	Dr. Muhammad Rashid Ch. Vs. Chairman & Dean Sh. Zayed Hospital & Post Graduate Institute, etc.	Appeal No. 723(L)CS/2001 & 691(L)CE/2000 Dated 22.4.2004	Nemo in both	Mr. M.A. Qureshi in CP 1638-L/04
196	C.P.1668-L/2004	Khalid Mehmood Shahid Vs. National Bank of Pakistan, etc.	Appeal No. 869(L)/1999 Dated 3.4.2004	P- In Person	N.R.
197	C.P.1671/2004	Iftikhar Ahmed Vs. United Bank Limited, Karachi and others	Appeal No. 130(P)/1999 Dated 16.4.2004	Ch. Muhammad Abdul Saleem, ASC Mr. Muhammad Zahoor Qureshi, AOR	N.R.
198	C.P.1683-1685/2004	M/s Pakistan State Oil Company Ltd. thr. Its M.D. and another Vs. Saleem Ahmed Sheikh	Appeal No. 397 to 399(K)CE/2002 Dated 20.6.2004	Mr. Zafar Iqbal Ch. ASC in all.	Mr. Abdul Hafeez Pirzada, Sr. ASC Mr. Arshad Ali Ch, AOR
199	C.P.1705/2004	Saeed Ahmed Sheikh Vs. Federation of Pakistan thr. Secy. M/o Finance, Islamabad and another	Appeal No. 213(R)CE/2001 Dated 4.5.2004	Mr. Abdul Karim Khan Kundi, ASC Mr. M.S. Khattak, AOR	Khawaj Muhammad Farooq, ASC Mr. Ejaz Muhammad Khan, AOR
200	C.P.1711/2004	Mumtaz Khan Vs. P.I.A. Corporation, Karachi, M.D. thr. Director Admn. PIAC and another	Appeal No. 1153(R)CE/2002 Dated 30.4.2004	Sardar Liaquat Ali, ASC Mr. M.A. Zaidi, AOR	Mr. Arshad Ali Ch. a/w Asmatullah Khan Manager Legal PIA
201	C.P.1743/2004	M.D.Utility Stores Corporation & others Vs. Amin Ahsan Gill	Appeal No. 473(R)CE/2001 Dated 14.4.2004	Muhammad Jaffar Hashmi, ASC Mr. M.A. Zaidi,	N.R.

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202	C.P.1749/2004	Saeed ur Rehman Vs. Secy. M/o Industries and Production, Islamabad and others	Appeal No. 452(R)CE/2004 Dated 23.4.2004	Ch. Muhammad Sadiq Warraich, ASC Mr. Ejaz Muhammad Khan AOR	Muhammad Jaffar Hashmi, ASC Mr. M.A. Zaidi, AOR
203	C.P.1773/2004	Aminullah Ghazi Vs. Cantonment Executive Office, Peshawar, etc.	Appeal No. 185(P)CE/2003 Dated 31.5.2004	Mr. Arshad Ali Ch., AOR	Mian Mehmood Hussain, ASC
204	C.P.1779/2004	Capt. Javed Afzal Vs. M.D.Pakistan International Airlines Corporation (PIAC), etc.	Appeal No. 1432(R)CE/2002 Dated 24.4.2004	Sh. Riaz ul Haq, ASC Mr. M.A. Zaidi, AOR	Mr. Arshad Ali Ch.
205	C.P.1780-1788/2004	Waheed Ahmed Vs. Habib Bank Ltd. and others	Appeal Nos. 22 to 30(P)/CE/2001 Dated 17.4.2004	Mr. Khalid Khan, ASC Mr. M.A. Zaidi, AOR	Mian Abdul Rauf, ASC
206	C.P.1798/2004	Chairman C.D.A. Islamabad Vs. Dr. Nighat Anwar and others	Appeal No. 351(R)CE/2002 Dated 16.4.2004	Rai Muhammad Nawaz Kharal, ASC Mr. Ejaz Muhammad Khan AOR	N.R.
207	C.P.1811/2004	G.M. (Admn.) PASSCO, Lahore and another Vs. Muhammad Zubair	Appeal No. 813(R)CE/2003 Dated 7.6.2004	Mr. Muhammad Akram Khawaja, ASC Mr. Mehmood-ul-Islam AOR	N.R
208	C.P.1827-1828,1915-1916/2004	National Bank of Pakistan thr. its President Vs. Awal Shah Afridi	Appeal Nos.43, 44(L)CE/2001 Dated 26.5.2004	Mr. Muhammad Rasheed Qamar, ASC Mr. Ejaz Muhammad Khan AOR In CP 1827-28/04 For Fed:Nasir Saeed Sheikh, DAG Ch. Akhtar Ali, AOR Muhammad Munir Peracha, in CP 1916/04	N.R. in both
209	C.P.1829/2004	General Manager (Admn) PASSCO and another Vs. Ghulam Sarwar	Appeal No. 596(R)CS/2002 Dated 16.6.2004	Muhammad Akram Khawaja, ASC Mr. Mehmood-ul-Islam AOR	N.R.
210	C.P.1834/2004	Federation of Pakistan thr. Secy. M/o Defence and another Vs. Jehanzeb Khan	Appeal No. 8(P)CE/2001 Dated 26.4.2004	Ch. Akhtar Ali	N.R
211	C.P.1836/2004	Shabbir Ahmed Vs. PIAC, thr. its Chairman and others	Appeal No. 822(R)CE/2003 Dated 17.5.2004	Hafiz S.A. Rehman, Sr. ASC Mr. Mehr Khan Malik AOR	Mr. Arshad Ali Ch. A/w Asmatullah Khan, Manager Legal PIA
212	C.P.1850-L-	Ijaz Ali Vs. The	Appeal No. 545,	Nemo	N.R.

	1852-L/2004	Managing Director< National Engineering Services Pakistan Pvt. Ltd. & another.	557 & 561(L)/1999 Dated 8.11.2003		
213	C.P.1869/2004	National Bank of Pakistan, thr. its Attorney and another Vs. Zawar Hussain	Appeal No. 1234(R)CE/2003 Dated 29.5.2004	Khawaja Muhammad Farooq, ASC Mr. M.A. Zaidi, AOR	Mr. Abdul Rehman Siddiqui, ASC Ch Muhammad Akram, AOR
214	C.P.1876/2004 (Ch.O)	Syed Muhammad Asim Vs. Pak. Telecommunication Company Ltd. and another	Appeal No. 1162(R)/2003 Dated 4.6.2004	P- In Person	Ch Muhammad Akram , AOR Ms. Naeeda Mehboob Elahi, , Raja Muhammad Irshad, Deputy Attorney Generals
215	C.P.1889/2004	Mian Abdur Rashid Vs. Managing Director, OGDCL	Appeal No. 775(R)CE/2003 Dated 19.5.2004	Mr. Zulfiqar Ahmad Bhutta, ASC Mr. Ejaz Muhammad Khan AOR	Mr. Arif Chaudhry, ASC Mr. M.S. Khattak, AOR
216	C.P.1909-L/2004	Muhammad Aslam Saifi Vs. National Bank of Pakistan thr. its President and others	Appeal No. 256(L)CE/2003 Dated 17.4.2004	Mr. Ehsan ul Haq, Ch. ASC Mr. M.A. Qureshi , AOR	Mian Qamar uz Zaman, ASC
217	C.P.1924- 1925/2004	Oil and Gas Development Company Ltd. thr. M.D. and another Vs. Akhtar Hussain	Appeal No. 1306 & 1307(R)CE/2002 Dated 12.6.2004	Mr. Arif Chaudhry, ASC Mr. M.S. Khattak, AOR	N.R.
218	C.P.1937/2004	Executive Director, P.M.D.C., Islamabad Vs. Muhammad Ashraf Khan and another	Appeal No. 827(L)CS/2002 Dated 28.6.2004	Raja Muhammad Bashir, ASC Mr. M.S. Khattak, AOR	N.R.
219	C.P.1939/2004	National Bank of Pakistan thr. Regional Operations Vs. Sajjad Hussain and others	Appeal No. 922(K)/1998 Dated 22.2.2003	Syed Haider Ali Pirzada, Sr. ASC Mr. M.A. Zaidi, AOR	N.R.
220	C.P.1942/2004	Utility Stores Corporation thr. its M.D. and others Vs. Muhammad Karim	Appeal No. 292(L)CE/2001 Dated 16.6.2004	Mr. Muhammad Jaffar Hashmi, ASC Mr. M.A. Zaidi, AOR	Ch. Muhammad Sadiq Warraich, ASC Mr. Ejaz Muhammad Khan, AOR
221	C.P.1950/2004	Muhammad Akram Vs. Secy. to Governor, NWFP, FATA, Peshawar and others	Appeal No. 234(P)CE/2003 Dated 10.7.2004	Hafiz S.A. Rehman, Sr. ASC	Nemo
222	C.P.1960/2004	Chairman Capital Development Authority, Islamabad Vs. Muhammad Shafi Soomro	Appeal No. 878(R)CE/2003 Dated 8.6.2004	Rai Muhammad Nawaz Kharal, ASC Mr. Ejaz Muhammad Khan AOR	N.R.
223	C.P.1974/2004	National Bank of Pakistan thr. Regional Operation Chief, Quetta Vs. Allah Ditta Zahid and	Appeal No. 19(Q)CE/2003 Dated 9.6.2004	Mr. Muhammad Rashid Qamar, ASC Mr. Ejaz Muhammad	Rana Manzoor Ahmad, ASC Ch. Akhtar Ali, AOR

		another		Khan AOR	
224	C.P.1989/2004	Chairman Pakistan Telecommunication Ltd. thr. Chairman and others Vs. Khitab Gul	Appeal No. 145(P)CE/2003 Dated 28.6.2004	Mr.. M.A. Zaidi, AOR	N.R.
225	C.P.1990-L/2004	State Bank of Pakistan and another Vs. Ghulam Shabbir	Appeal No.1807(L)/1998 Dated 19.4.2004	Mr. Noor Muhamamd Khan Chandia, ASC Mr. Mehmood-ul-Islam AOR	R- In Person
226	C.P.1993/2004	Pakistan Telecommunication Company thr. its Dy. G.M., Rawalpindi Vs. Miram Shah	Appeal No. 209(P)CS/2002 Dated 22.5.2004	Mr. Muhammad Aslam Uns, ASC Mr. M.A. Zaidi	N.R.
227	C.P.2001/2004	Abdul Sattar Vs. Federation of Pakistan thr. Secy. M/o Finance, Islamabad and others	Appeal No. 1004(R)CE/2001 Dated 10.7.2004	Dr. Babar Awan, ASC Mr. Ejaz Muhammad Khan, AOR	Ch Muhammad Akram, AOR
228	C.P.2004-2009/2004	Ali Ahsan Dar Vs. P.T.C. Ltd. thr. its Chairman and others	Appeal No. 545, 541, 542 , 544 & 540(R)CS/2002 Dated 19.6.2004 Appeal No. 12(P)CE/2003 Dated 19.6.2004	Mr. Tariq Bilal, ASC Ch Muhammad Akram AOR	N.R.
229	C.P.2054-2059/2004	Sharif Ullah Vs. Govt. of Pakistan thr. Secy. State and Frontier Region and others	Appeal No. 467, 468, 470, 471, 469(P)CE/2001, 1(P)CE/2002 Dated 3.7.2004	Hafiz S.A. Rehman, Sr. ASC Mr. M.A. Zaidi, AOR	Nemo
230	C.P.2091/2004	S. Jamil Akhtar Vs. Pakistan Telecommunication Company Ltd thr. its President and others	Appeal No. 987(R)CE/2004 Dated 19.8.2004	Sheikh Riaz Ul Haq, ASC Mr. Arshad Ali Ch, AOR.	N.R.
231	C.P.2093-2094/2004	Oil and Gas Development Company Ltd. thr. M.D. and others Vs. Ishaque Rasheed Roomi	Appeal Nos.1496(R)CE/2002 & 286(R)CE/2003 Dated 24.8.2004	Mr. Arif Chaudhry, ASC Mr. M.S. Khattak, AOR	Mr. Zulfiqa Abbas Naqvi, ASC Mr. M.A. Zaidi, AOR
232	C.P.2091-L/2004	The Chairman Pakistan Model Education Institution Vs. Syeda Farhat Rizvi	Appeal No. 1859(L)/1998 Dated 19.4.2004	Mian Qamar uz Zaman, ASC	Mr. Mehmood-ul-Islam AOR
233	C.P.2095/2004	M.D. National Fertilizers Marketing Ltd. and another Vs. Hidayat Hussain	Appeal No. 16(P)CE/2003 Dated 21.9.2004	Mr. Alamgir, ASC Mahmud-ul-Islam AOR	N.R.
234	C.P.2128/2004	Chairman, Pakistan International Airlines Corp. (PIAC) and another Vs. Nuzhat Shaheen	Appeal No. 89(R)CE/2003 Dated 12.8.2004	Sheikh Riaz ul Haq, ASC Mr. Arshad Ali Ch.	N.R.
235	C.P.2134/2004	Amjad Ali Khan Niazi Vs. SME Bank thr. its Chairman and others	Appeal No. 130(L)CE/2001 Dated 30.8.2004	Mian Mehmood Hussain, ASC	N.R.

236	C.P.2137-2144/2004	Mira Jan Vs. Govt. of Pakistan thr. Secy. SAFRON and KANA, Islamabad and another	Appeal No. 58, 62, 63, 73, 87, 88, 111, 115(P)CE/2003 Dated 9.8.2004	Mr. Abdul Qayyum Sarwar, AOR/ASC	N.R.
237	C.P.2164/2004	The Managing Director, Investment Corporation of Pakistan Vs. Rehmat Ullah and others	Appeal No.179(P)CE/2001 Dated 13.9.2004	Mr. Anwar Sipra, ASC Mr. Ejaz Muhammad Khan, AOR	N.R.
238	C.P.2179/2004 (C.O)	Dilawar Shah Vs. Federation of Pakistan thr. Secy. M/o Petroleum and Natural Resource, Islamabad and others	Appeal No. 1469(R)CE/2002 Dated 2.9.2004	Mr. Mehr Khan Malik, AOR	Mr. Arif Chaudhry, ASC Mr. M.S. Khattak, AOR
239	C.P.2181-2182/2004	National Bank of Pakistan thr. its President and others Vs. Latif Ahmed Qureshi and others	Appeal No. 1302(L)/1999 Dated 3.9.2004	Khawaja Muhamamd Farooq, ASC Mr. M.A. Zaidi, AOR	N.R.
240	C.P.2186/2004	SME Bank Limited thr. its M.D. Vs. Abdul Sattar and others	Appeal No. 1004(R)CS/2001 Dated 10.7.2004	Mr. F.K. Butt, ASC Mr. Ejaz Muhammad Khan, ASC	N.R.
241	C.P.2189/2004	Rana Habibullah Khan Vs. Quaid-e-Azam University, Islamabad thr. its Registrar and another	Appeal No. 391(R)CE/2001 Dated 21.8.2004	Mr. Muhammad Aslam Uns, ASC a/w Mr. Arshad Ali Ch. AOR	N.R.
242	C.P.2308-L/2004	Muhammad Mansoor Dilawar Vs. Pakistan State Life Insurance Corporation and others	Appeal No. 2381(L)/1999 Dated 7.5.2004	Mr. Muhammad Akram Khawaja, ASC Mr. Faiz-ur-Rehman, AOR	Mr. Jehanzeb Khan Bharwana, ASC
243	C.P.2317-L/2004	Abdul Hameed Vs. The President Institute of Chartered Accountants of Pakistan,etc.	Appeal No. 837(L)/1999 Dated 4.5.2004	Malik Ghulam Rasool, ASC Mr. Mehmood-ul-Islam AOR	N.R.
244	C.P.2342-L/2004	National Bank of Pakistan,etc. Vs. Muhamad Sarwar Minhas	Appeal No. 827(L)/1999 Dated 26.5.2004	Mr. Noor Muhammad Khan Chandio, ASC Mr. Mehmood-ul-Islam AOR	Ghulam Nabi Bhatti, ASC
245	C.P.2349-L-2352-L/2004 & 2347-2348-L/2004	Naveed Ahmed Irshad Vs. State Life Insurance Corporation of Pakistan and another	Appeal No. 91, 93, 95, 96, 97 & 98(L)CE/2003 Dated 14.5.2004	Mr. Noor Muhammad Khan Chandio, ASC Mr. Mehmood-ul-Islam AOR	N.R.
246	C.P.2377/2004	Pakistan Telecommunication Company Ltd. thr. Chairman and others Vs. Nasir Khan	Appeal No. 1018(R)CS/2002 Dated 6.7.2004	Ch. Muhammad Sharif, ASC	N.R.

247	C.P.2381-L/2004	Bashir Ahmed Vs. Sheikh Zayed Hospital Lahore,etc	Appeal No. 569(L)CE/2000 Dated 25.5.2004	Mr. Mehr Khan Malik	N.R.
248	C.P.2387-L/2004	Muhammad Aslam Vs. P.T.C.L. etc.	Appeal No. 647(L)CS/2002 Dated 17.5.2004	P- In Person	Gorsi Muhamamd Din Chaudhry, ASC
249	C.P.2407/2004 (C.O)	Noor Ellahi Khan Vs. Chairman Agricultural Development Bank of Pakistan and another	Appeal No. 42(R)CE/2001 Dated 7.8.2004	Raja Muhamamd Asghar, ASC	Mr. M.S. Khattak, AOR
250	C.P.2411/2004	Safirullah Vs. National Bank of Pakistan and others		Mr. Abdul Rasheed Awan, ASC Mr. M.A. Zaidi	N.R.
251	C.P.2412/2004	Nadeem Hussain Mughal Vs. M.D., PIAC Head Office, Karachi Airport, Karachi and another	Appeal No.497(R)CS/2004 Dated 18.6.2004	Sardar Liaquat Ali, ASC Ijaz Muhamamd Khan, AOR	Mr. Arshad Ali Ch.
252	C.P.2419/2004	Ihsan Ullah Vs. State Life Insurance Corporation of Pakistan thr. its Chairman and another	Appeal No. 116(P)CE/2002 Dated 2.8.2004	P- In Person	N.R.
253	C.P.2431/2004	Pervaiz Sher Lodhi Vs. ZTBL, Islamabad thr. its President and another	Appeal No. 119(R)CE/2003 Dated 2.8.2004	Mr. Abdul Rehman Siddiqui, ASC Ch Muhammad Akram AOR	Mr. S.M. Abdul Wahab, ASC Mr. M.A. Zaidi, AOR
254	C.P.2463/2004	Muhammad Qayyum Vs. State Life Insurance Corporation of Pakistan thr. its Chairman, Rawalpindi and others	Appeal No. 11(R)CE/2002 Dated 12.8.2004	P- In Person	N.R
255	C.P.2464/2004	Iftikhar Ali Butt Vs. Chairman Pakistan Telecommunication Company Ltd. and others	Appeal No. 563(R)CE/2004 Dated 26.7.2004	Mr. M.A. Zaidi	Ch Muhammad Akram, AOR
256	C.P.2478/2004	Ghulam Husnain Vs. Chairman Capital Development Authority (CDA), Islamabad and others	Appeal No. 358(R)CE/2000 Dated 18.8.2004	Mr. F.K. Butt, ASC Mr. Ejaz Muhammad Khan	N.R.
257	C.P.2506-L/2004 (Servie)	Abdul Qayyum Chaudhry Vs. Chairman Board of Director,etc.	Appeal No.712(L)CE/2000 Dated 11.6.2004	Nemo	Mr. Jehanzeb Khan Bharwana
258	C.P.2522-L/2004	Abu Saeed Ahsan Islahi Vs. Federation of Pakistan and others	Appeal No. 197(L)CE/2002 Dated 3.7.2004	Nemo	Mr. Mehmood-ul-Islam
259	C.P.2533/2004	Zahid Inayat Vs. The	Appeal No.	Mr. Hifzur	Mr. Hashmat Ali

		Executive Director (Personal), ADBP, Islamabad and others	584(L)CE/2001 Dated 5.8.2004	Rehman, ASC Mr. M.A. Zaidi	Habib, ASC Mr. M.S. Khattak
260	C.P.2536/2004	Federal Bank of Cooperative Vs. Noor Ellahi Khan and others	Appeal No. 970(R)CE/2001 Dated 232.8.2004	Ch Muhammad Akram	Mr. Hashmat Ali Habib, ASC Mr. M.S. Khattak
261	C.P.2539/2004	Hanifullah Vs. Agricultural Development Bank of Pakistan, Islamabad thr. its Chairman and another	Appeal No. 66(P)CE/2002 Dated 19.8.2004	Muhammad Aslam Uns, Mr. Arshad Ali Ch.	Mr. Hashmat Ali Habib, ASC Mr. M.S. Khattak
262	C.P.2561/2004	Muhammad Ilyas Vs. National Bank of Pakistan	Appeal No. 69(P)CE/2002 Dated 2.9.2004	Mr. Abdul Rehman Siddiqui, ASC Ch. Muhammad Akram	Muhammad Rasheed Qamar, ASC Mr. Ejaz Muhammad Khan
263	C.P.2626/2004	P.I.A. Corporation thr. its M.D. Vs. Ms. Azra Sahi	Appeal No. 888(R)CE/2003 Dated 17.9.2004	Mr. Arshad Ali Ch.	Muhammad Munir Peracha, ASC Mr. Ejaz Muhammad Khan,
264	C.P.2631/2004	Muhammad Aslam Vs. Executive Engineer, Multan Electric and Power Supply Company and another	Appeal No. 680(L)CS/2000 Dated 21.9.2004	Ch Muhammad Akram	Mr. Murtaza Ali Zaidi, ASC Mr. M.S. Khattak,
265	C.P.2634/2004	Hafeez ur Rehman Vs. Pakistan Telecommunication Corporation Ltd. and others	Appeal No. 38(R)CS/2002 Dated 23.9.2004	Syed Ishtiaq Haider, ASC Mr. Ejaz Muhammad Khan AOR	NR
266	C.P.2707/2004	Mrs. Abida Akhtar Vs. Chairman Pakistan Agriculture Research Council, Islamabad and others	Appeal No. 739(R)CE/2003 Dated 24.9.2004	Syed Ishtiaq Haider, ASC Mr. Ejaz Muhammad Khan	N.R.
267	C.P.2714/2004	Muhammad Anwar Vs. Chairman, Defence Housing Authority Phase-III, 'Y' Block, Lahore	Appeal No. 666(R)CS/2003 Dated 23.7.2004	Mahmud-ul-Islam	N.R.
268	C.P.2723/2004	Raja Muhammad Farooq Vs. House Building Finance Corporation thr. its M.D.	Appeal No. 1196(R)CE/2001 Dated 29.9.2004	P- In Person	Rana Manzoor Ahmad, ASC Ch. Akhtar Ali, AOR
269	C.P.2726/2004	Dr. Muhammad Amin Deputy Director Zarai Taraqiati Bank Ltd. Vs. The President, Zarai Taraqiati Bank Ltd, Islamabad	Appeal No. 439(L)/1999 Dated 20.9.2004	Mr. Arshad Ali Ch.	Hafiz S.A. Rehman,Sr. ASC Mr. M.S. Khattak

270	C.P.2747-L/2004	Dr. Muhammad Javaid Asif Vs. Chairman & Dean, (FPGMI) and others	Appeal No. 653(L)CS/2000 Dated 25.6.2004	Mr. Mehmood-ul-Islam	N.R.
271	C.P.2748/2004	Munawar Ahmed CHASNUPP Site Kundian Vs. Director Admin PAEC Headquarter	Appeal No. 233(R)CE/2003 Dated 23.10.2004	P- In Person	Raja Ibrahim Satti, ASC Mr. Ejaz Muhammad Khan
272	C.P.2752-2753/2004 (Ch.O)	National Bank of Pakistan and another Vs. Muhammad Arshad and another	Appeal No. 1235(L)/1999 & 3(L)CE/2000 Dated 15.10.2004	Khawaja Muhamamd Farooq, ASC Mr. M.A. Zaidi	Mian Mehmood Hussain in CP 2753/04
273	C.P.2757-L/2004	Muhammad Ikram Hussain Vs. Chairman Atomic Energy Commission & another.	Appeal No. 1337(L)1999 Dated 17.7.2004	Mr. Rafiq Javed Butt	N.R.
274	C.P.2758-2759/2004	SME Bank Limited, Islamabad thr. its Chief Executive Vs. Muhammad Afzal and another	Appeal No. 968 & 969 (R)CE/2001 Dated 7.10.2004	Mr. F.K. Butt Mr. Ejaz Muhammad Khan	N.R.
275	C.P.2760-L/2004	State Life Insurance Corp. of Pakistan & another Vs. Zakaullah Malik	Appeal No. 18(L)CE/2004 Dated 30.6.2004	Mr. Jehanzeb Khan Bharwana, ASC	N.R.
276	C.P.2761/2004	Joint Director, E & D Dept., Zarai Taraqiati Bank Ltd. and another Vs. Ghulam Rasool Shahid	Appeal No. 140(L)CE/2000 Dated 4.9.2004	Muhamamd Rashid Qamar, ASC Mr. Ejaz Muhammad Khan	Mr. Arshad Ali Ch.
277	C.P.2762/2004	Zarai Taraqiati Bank Ltd. thr. Chairman and another Vs. Muhammad Hussain Raza	Appeal No. 113(R)CE/2003 Dated 23.9.2004	Muhamamd Rashid Qamar, ASC Mr. Ejaz Muhammad Khan	N.R.
278	C.P.2821-L/2004	Muhammad Iqbal Vs. National Bank of Pakistan, and another	Appeal No. 718(L)CE/2000 Dated 22.7.2004	Nemo	Mian Qamar uz Zaman, ASC
279	C.P.2881-L/2004	Maqbool Qadir Vs. The State Bank of Pakistan, etc.	Appeal No. 5(L)CE/2004 Dated 21.7.2004	Nemo	N.R.
280	C.P.2890/2004 (Ch.O)	Zahoor Ahmed Jaffar Vs. Secretary Ministry of Petroleum and Natural Resources, Govt. of Pakistan, Islamabad	Appeal No. 8(Q)CE/2004 Dated 14.10.2004	Shah Abdul Rasheed, Sr. ASC Ejaz Muhammad Khan	Mr. Zafar Iqbal Chaudhry, ASC
281	C.P.2896-L/2004	Zia ur Rehman Vs. Pakistan International Airlines Corporation, etc.	Appeal No. 51(L)CE/2003 Dated 7.6.2004	Mr. Farooq Zaman Qureshi, ASC	Arshad Ali Chaudhry, ASC

282	C.P.2897-L/2004 (Servie)	Mehboob Ahmed Vs. Vice President National Bank,etc.	Appeal No. 18(L)CE/2001 Dated 12.7.2001	Nemo	N.,R.
283	C.P.2985-L/2004	Shoukat Ali Vs. The Chairman Post Graduate Medical Institute Sh.Said Hospital,Lahore.etc	Appeal No. 712(L)CS/2003 Dated 27.7.2004	Mr. Farooq Zaman Qureshi, ASC	N.R.
284	C.P.3085-L/2004	Anjum Rehman Vs. P.T.C.L. etc.	Appeal No. 654(L)CS/2002 Dated 4.9.2004	P- In Person	Gorsi Muhammad Din Chaudhry, ASC
285	C.P.3107-L/2004	Syed Saadat Ali Vs. Chairman State Life Insurance Corporation of Pakistan,etc.		Syed Misbahul Hassan Abdi, ASC	Mr. Jehanzeb Khan Bharwana, ASC
286	C.P.3113-L/2004	M.D. PASSCO Ltd. Lahore,etc Vs. Muhamad Nawaz Jappa,etc.	Appeal No. 596(L)CE/2000 Dated 22.9.2004	Mr. Muhammad Akram Khawaja, ASC	Mr. Mehmood-ul- Islam, AOR
287	C.P.3136-3137- L/2004 (Service	Muhammad Akram Shah Vs. Sui Northern Gas Pipelines Ltd.thr.its M.D.etc.	Appeal No. 357 & 358(L)CE/2003 Dated 1.4.2004	Malik Abdul Sattar Chughtai, ASC	N.R.
288	C.P.3138-L/2004	Latif Ahmad Qureshi Vs. National Bank of Pakistan,etc.	Appeal No. 1301(L)/1999 Dated 3.9.2004	Mr. M.A. Qureshi Mr. Mehmood- ul-Islam	
289	C.P.3139-L/2004	Latif Ahmad Qureshi Vs. National Bank of Pakistan,etc.	Appeal No. 1302(L)/1999 Dated 3.9.2004	Mr. M.A. Qureshi	Mr. Mehmood-ul-Islam
290	C.P.3239-L/2004	Dr.Muhammad Javed Asif Vs. Chairman & Dean Shaikh Zayed Federal Postgraduate Medical Insitute,etc..	Appeal No. 653(L)CS/2000 Dated 28.9.2004	Mr. Mehmood- ul-Islam	N.R.
291	C.P.3243-L/2004	The M.D. Sui Northern Gas Pipelines Ltd. and another Vs. Muhammad Waheed Butt	Appeal No. 469(L)1998 Dated 2.10.2004	Mr. M.A. Qureshi	N.R.
292	C.P.3277-L/2004	Muhammad Waheed Butt Vs. M.D. Sui Northern Gas Pipelines Ltd. and others	Appeal No.469(L)/1998 Dated 2.10.2004	Mr. Mehmood- ul-Islam	N.R.
293	C.P.3308-L004	Muhammad Nawaz Jappa Vs. M/s PASSCO thr. M.D. Head Office Lahore and others	Appeal No. 596(L)CE/2000 Dated 22.9.2004	Nemo	Muhammad Akram Khawaja, ASC Mehmood ul Islam, AOR
294	C.P.3329-L/2004	Sajid Saeed Chowhan Vs. State Life Insurance Corporation of Pakistan and others	Appeal No. 497(L)CE/2001 Dated 24.11.2004	Mr. Mehmood- ul-Islam	N.R.
295	C.P.3361-L/2004	Abdul Rashid Vs. The M.D. National Engg. Services Pak. (Pvt.) Ltd. Lahore and others	Appeal No. 560(L)/1999 Dated 8.11.2003	Nemo	N.R.

296	C.P.3376-L/2004	Shabbir Ahmed Vs. Sui Northern Gas Pipelines Ltd. Lahore and others	Appeal No. 290(L)CE/2000 Dated 14.10.2004	Malik Abdul Sattar Chughtai, ASC	N.R.
297	C.P.33773379-L/2004	Muhammad Mushtaq Vs. Sui Northern Gas Pipelines Ltd. Lahore and others	Appeal No. 108, 110 & 115(L)CE/2000 Dated 11.11.2004	Malik Abdul Sattar Chughtai, ASC	N.R.
298	C.P.3380-L/2004	Basharat Butt Vs. Sui Northern Gas Pipelines Ltd. Lahore and others	Appeal No. 180(L)CE/2000 Dated 19.10.2004	Malik Abdul Sattar Chughtai, ASC	N.R.
299	C.P.3388-L/2004	Chairman Evacuee Trust Property Board and another Vs. Mukhtar Ahmed	Appeal No. 459(L)CS/2000 Dated 14.10.2004	Mian Qamar Zaman, ASC	Mr. Faiz-ur-Rehman
300	C.P.3417-L/2004	President National Bank Of Pakistan Ltd. and others Vs. Shakeel Ahmed	Appeal No. 546(L)CE/2000 Dated 19.10.2004	Mian Qamar uz Zaman, ASC	Nemo
301	C.P.2/2005	Zarai Taraqiati Bank Ltd thr. its Chairman and others Vs. Abrar Ahmed	Appeal No. 1406(R)CE/2002 Dated 22.10.2004	Mr. S.M. Abdul Wahab, ASC Mr. M.A. Zaidi	N.R.
302	C.P.5-L/2005	Muhammad Nawaz Siraj Vs. G.M. Ptv, Lhr., etc	Appeal No. 406(L)CE/2000 Dated 2.11.2004	Mr. Ali Akram Qurishi, ASC	Dr. Sohail Akhtar, ASC Mr. Mehmood-ul-Islam
303	C.P.2-L/2005	PIA thr. its M.D. Vs. Amin Shah	Appeal No. 338(L)CE/2000 Dated 3.11.2004	Mr. M.S. Babar, ASC Sh. Masood Akhtar	Mian Mehmood Hussain, ASC R- In Person
304	C.P.3/2005	Pakistan International Airlines Corporation thr. its M.D. Vs. Tasneem Kausar	Appeal No. 292(R)CE/2003 Dated 24.10.2004	Sheikh Riaz Ul Haq, ASC Mr. Arshad Ali Ch.	Hafiz S.A. Rehman, Sr. ASC Mr. M.A. Zaidi, AOR
305	C.P.14-L/2005	Haji Ghulam Qadir Vs. State Life Insurance Corp. thr. its Chairman, etc	Appeal No. 310(L)CE/2001 Dated 12.11.2004	P- In Person	Mian Mehmood Hussain, ASC Mr. Jehanzeb Khan Bharwana, ASC
306	C.P.25/2005	Muazzam Hussain Shah Vs. M.D. Member (Power), WAPDA, Wapda House, Lahore and others		Mr. Jaffar Hashmi, ASC Mr. M.A. Zaidi	N.R.
307	C.P.27-28/2005	Khalid Nawaz Vs. Govt. of Pakistan thr. Secy. M/o Petroleum and Natural Resources, Islamabad and others	Appeal No. 410 & 411(L)CS/2000 Dated 29.11.2004	Mr. Arshad Ali Ch.	N..R
308	C.P.41-L/2005	President NBP, etc Vs. Syed Mohsin Raza Qazmi	Appeal No. 23(L)CE/2004 Dated 28.10.2004	Mian Qamar Zaman, ASC	N.R.
309	C.P.55-L/2005	Mohammad Aslam Vs. State Life Insurance Corp. of Pakistan thr. its Chairman, etc	Appeal No. 84(L)CE/2004 Dated 12.11.2004	Nemo	Mr. M.A. Qureshi, AOR

310	C.P.63/2005 (C.O)	The Managing Director, Small Business Finance Corporation, Now SME Bank Ltd. and another Vs. Ibraz Mehmood Butt and another	Appeal No. 1196(R)CE/2001 Dated 13.11.2004	Muhammad Akram Sheikh, ASC Mr. M.A. Zaidi	Mr. Abdul Rehman Siddiqui, ASC Ch. Muhammad Akram,
311	C.P.64/2005	President, SME Bank Ltd. Vs. Iftikhar Ahmed Jogazai and another	Appeal No. 1085(R)CE/2004 Dated 22.11.2004	Muhammad Akram Sheikh, ASC Mr. M.A. Zaidi	Mr. Abdul Karim Kundi, ASC Ch Muhammad Akram
312	C.P.69/2005	Muhammad Sabir Vs. Member of Production, POF Wah Cantt.	Appeal No. 131(R)CS/2004 Dated 17.5.2004	P- In Person	N.R.
313	C.P.70-71/2005	Chairman, Pakistan Telecommunication Company Ltd. and others Vs. Muhammad Yasin Rashid	Appeal No. 730 & 731(L)/1998 Dated 22.11.2004	Mr. Naeem Bukhari, ASC Mr. Arshad Ali Ch.	Mr. Faiz-ur-Rehman
314	C.P.3105-L/2004 & C.P.113-L/2005	Muhammad Rafiq Bhatti Vs. The President N.B.P.etc.	Appeal No. 154 & 417 (L)CE/2000 Dated 1.9.2004	Mian Mehmood Hussain, ASC	Mian Qamar uz Zaman, ASC
315	C.P.129/2005	Ibraz Mehmood Butt Vs. The Secy. M/o Finance, Govt. of Pakistan and others	Appeal No. 1196@CE/2001 Dated 13.11.2004	Mr. Abdul Rehman Siddiqui, ASC Mr. Arshad Ali Ch.	Mr. Muhammad Akram Sheikh, ASC Mr. M.A. Zaidi
316	C.P.130/2005	Zarai Taraqiati Bank thr. its President Vs. Faiz Ahmed Khan	Appeal No. 935(R)CE/2003 Dated 20.11.2004	Mr. Manzoor Ahmad Rana, ASC Ch. Akhtar Ali	Ch Muhammad Akram
317	C.P.135-136/2005	M/s Utility Stores Corporation of Pakistan (Pvt.) Ltd and another Vs. Nadeemullah	Appeal No. 289 & 360(L)CE/2001 Dated 24.11.2004	Muhammad Jaffar Hashmi, ASC Mr. M.A. Zaidi	N.R.
318	C.P.139-140/2005	Hasnat Ahmed Khan Saeed Vs. Air Weapons thr. Its D.G. and another	Appeal No. 1466 & 1467(R)CE/2004 Dated 1.12.2004	Shah Abdul Rashid, ASC Mr. Ejaz Muhammad Khan	Raja Muhammad Bashir, ASC Mr. M.S. Khattak, AOR
319	C.P.141-143/2005	Muhammad Tariq Vs. Zarai Taraqiati Bank Ltd. thr. its Chairman	Appeal No. 183 & 455(P)CE/2001 & 39(P)CE/2002 Dated 6.6.2002	Mr. Abdul Rehman Siddiqui, ASC Mr. Arshad Ali Ch.	Hafiz S.A. Rehman, Sr. ASC Mr. M.S. Khattak, AOR
320	C.P.165-L/2005	Chairman Evacuee Trust Property Board Lahore, etc Vs. Bashir Shahid, etc	Appeal No. 455(L)/1999 Dated 23.11.2004	Mian Qamar Zaman,	N.R.
321	C.P.153-K/2005 (Service Laws Matters / S.2A)	Shakeel Ahmed Vs. Federal Service Tribunal & others.	Appeal No.6(K)CE/2002 Dated 11.11.2004	Nemo	N.R.
322	C.P.172-L/2005	Chairman Pakistan Red Crescent Society Vs. Zia Ullah Khan	Appeal No. 54(L)CE/2003 Dated 7.1.2005	Ch. Mushtaq Ahmad, Sr. ASC Sh. Masood	N.R.

		Niazi, Lahore, etc.		Akhtar	
323	C.P.3325-3326/2003 & 3333-3337/2003	Mehoodul Hussan Khalil Vs. Govt. of Pakistan thr. Secy. Finance		Nemo	Dr.Hussain Khan, ASC
324	C.P.216-L/2005	Muhammad Aslam Nadeem Vs. State Life Insurance of Pakistan thr. its Chairman, etc	Appeal No. 264(L)CE/2003 Dated 3.4.2004	Nemo	Mr. M.A. Qureshi
325	C.P.222-L/2005	Muhammad Akbar Shahid Vs. Deputy Post Master General, Central Region and another	Appeal No. 101(L)CS/2004 Dated 7.12.2004	Nemo	N.R.
326	C.P.225-K, 232-K/2005	Pakistan State Mills Corporation Vs. Abdul Sattar Butt	Appeal No. 867(C)CE/2002 Dated 3.1.2005	Mr. M.G. Dastagir, ASC Raja Sher Muhammad Khan	Raja Abdul Ghafoor,
327	C.P.265-K/2005 This case relates to the Section 2-A Cases	M/s National Engineering Services Pakistan (Pvt) Ltd and others Vs. Engineer Musthaq Ahmed Khan	Appeal No. 12(K)CE/2001 Dated 17.1.2005	Mr. M.G. Dastagir, ASC Mr. A.A. Siddiqui	Nemo
328	C.P.268-K, 271-K/2005	M/s Pakistan Steel Mills Corporation and others Vs. Zaheer Ahmed	Appeal No. 377(K)CE/2002 Dated 26.1.2005	Mr. M.G. Dastagir, ASC Raja Sher Muhammad Khan, in CP 271-K of 2005	Nemo
329	C.P.269-K/2005	The Chairman Pakistan Steel Mills and another Vs. Ghulam Fareed	Appeal No. 515(K)CE/2000 Dated 6.1.2004	Mr. M.G. Dastagir, ASC Raja Sher Muhammad Khan	Nemo
330	C.P.290-L/2005	P.I.A. Corporation thr. its Chairman, etc Vs. Muqaddas Anwar Butt	Appeal No. 312(L)/1998 Dated 6.12.2004	Ch. Muhammad Sharif, ASC	N.R.
331	C.P.298-299-K/2005	General Manager, PTCL, STR-I & another Vs. Abdul Hafeez	Appeal Nos. 1708 & 1709(K)/1998 Dated 31.1.2005	Mr. S.K. Ghori,	N.R.
332	C.P.343/2005	SME Bank Ltd., Islamabad Vs. Muhammad Iqbal Khan	Appeal No. 2(L)CE/2001 Dated 11.12.2004	Mr. F.K. Butt, ASC Mr. Ejaz Muhammad Khan	Nemo
333	C.P.497-L/2005	Junaid Hassan Vs. M.D. Sui Northern Gas, etc	Appeal No. 109(L)CE/2003 Dated 11.11.2004	Mr. Abdul Sattar Chughtai,	Mr. M.A. Qureshi, AOR
334	C.P.526-K/2005	Ikram Fayaz Vs. National Refinery (Ltd.) and others	Appeal No. 982(K)/1998 Dated 24.5.2005	P- In Person	Ali Sibtain Fazli,
335	C.P.530-L/2005	Mohammad Rashid Vs. Dy. Post Master General, etc.	Appeal No. 753(L)CS/2004 Dated 27.1.2005	Nemo	N.R.

336	C.P.581-K/2005 (Service Laws Matters / S.2A)	Abid Ali Siddiqui Vs. The State Bank of Pakistan, Thr. Chairman Central Board of Directors.	Appeal No. 1234(K)CE/2001 Dated 6.1.2005	Nemo	Raja Abdul Ghafoor
337	C.P.1276-L/2005	Ehsan-ud-Din Ch. Vs. NBP, etc	Appeal No. 286(L)CS/2000 Dated 27.4.2005	Parvez Innayat Malik,	N.R.
338	C.P.1292/2005	SME Bank Ltd. Islamabad Vs. Sadaqat Hussain and others	Appeal No. 13(L) CE/2001 Dated 11.12.2004	Mr. F.K. Butt, Mr. Ejaz Muhammad Khan	N.R.
339	C.P.1295-L/2005	Dir (A) Civil Aviation Authority Karachi, etc Vs. Muhammad Mumtaz Hussain		Nemo	N.R.
340	C.P.2275/2005	Dr.(Mrs) Farrukh Tahir Vs. Allama Iqbal Open University thr. its V.C.,etc		P- In Person Raja Ibrahim Satti, ASC	Mr. M.S. Khattak
341	C.P.1339/2005	Muhammad Ashraf Nadeem Vs. National Engineering Service (Pak.) Ltd and others	Appeal No.69(L)CE/2000 Dated 10.11.2004	Ch Muhammad Akram	N.R.
342	C.P.1350/2005 (Service Matters / Removal from Service)	Muhammad Altaf Baig Vs. Regional Head National Bank of Pakistan and others	Appeal No. 84(L)CE/2001 Dated 6.12.2004	Altaf Elahi Sheikh, Ch Muhammad Akram	Mian Qamar Zaman, ASC Raja Abdul Ghafoor, AOR
343	C.P.1366-L/2005	Syed Jawad Hussain Vs. Chairman PIA Corp. Karachi, etc	Appeal No. 113(L)CE/2004 Dated 23.5.2005	Nemo	Mr. Faiz-ur-Rehman,
344	C.P.1347/2005	Pakistan International Airlines Corporation thr. its Chairman and others Vs. Miss Naghma Sehar Khan	Appeal No. 482(R)CE/2004 Dated 12.1.2005	Mr. Arshad Ali Ch.	R- In Person
345	C.P.1400/2005	Miss Naghma Sehar Khan Vs. P.I.A. Corp. and others	Appeal No. 482(R)CE/2004 12.1.2005	P- In Person	Mr. Arshad Ali Chaudhry, ASC a/w Asmatullah Khan Manager PIA
346	C.P.1454-L/2005	Khalid Masud Khan Vs. M.D. Small Business Finance Corp. etc	Appeal No. 542(L)CE/2001 Dated 31.5.2005	Nemo	N.R.
347	C.P.1463/2005	The State Bank of Pakistan through its Governor & another Vs. Sad Badshah and others	Appeal No.1531 to 1555(R)CE/2002 Dated 31.1.2005	Malik Muhammad Qayyum, ASC Raja Abdul Ghafoor	Muhammad Akram Sheikh, Sr. ASC
348	C.P.1474, 1598/2005	SME Bank Ltd. Vs. Sahibzada	Appeal No. 1244(R)CE/2003 Dated 31.1.2005	Mr. F.K Butt, Mr. Ejaz Muhammad Khan	Sheikh Iftikhar , ASC Ch Muhammad Akram, AOR
349	C.P.1488/2005	National Bank of Pakistan Vs. Haji Muhammad Saeed	Appeal No. 348(R)CE/2002 Dated 17.1.2005	Mian Qamar Zaman Raja Abdul Ghafoor	N.R.

350	C.P.1545-L/2005	M. D. M/s. SNGPL, etc VS. Tariq Munawar	Appeal No. 206(L)/2000 Dated 26.5.2005	Mr. M.A. Qureshi	N.R.
351	C.P.1582/2005	Secy. Ministry of Finance, Islamabad Vs. Hilal A. Raza and others	Appeal No. 345(R)CE/2004 Dated 28.1.2005	Mr. Nazir Ahmad Khan Lughmani	Mr. Naheem Bukhari, ASC Mr. Mehr Khan Malik, AOR
352	C.P.1615-L/2005	Ehsanul Haq Vs. M.D. Sui Northern Gas Pipelines Ltd.	Appeal No. 489(L)CE/2001 Dated 28.5.2005	Nemo	N.R.
353	C.P.1653-L/2005	Pakistan International Airlines Corp. Vs. Mazhar Ilyas and others	Appeal No. 48(L)CS/2004 Dated 4.6.2005	Mr. Arshad Ali Chaudhry, a/w Asmatullah Khan Manager Legal PIA	Ch. Naseer Ahmad Bhutta
354	C.P.1713-L/2005	Tariq Amin Vs. National Bank of Pakistan, etc	Appeal No. 551(L)CE/2001 Dated 12.7.2005	Mian Abdul Rashed, ASC	Mian Qamar Zaman, Raja Abdul Ghafoor, AOR
355	C.P.1720/2005	Muhammad Ilyas Bhatti Vs. D.G./ M.D. Associated Press of Pakistan, etc	Appeal No. 1594(R)CE/2004 Dated 27.4.2005	P- In Person	N.R.
356	C.P.1785/2005	Secy. College of Physicians & Surgeons Pakistan Vs. Muhammad Maqsood		Hafiz S.A. Rehman, Mr. M.S. Khattak	N.R.
357	C.P.1828/2005	M.D. Pakistan Agricultural Storage & Services Corp. Ltd., etc. Vs. Muhammad Ashfaq	Appeal No. 1030(R)CS/2002 Dated 21.4.2005	Muhammad Akram Khawaja, ASC Mr. Mehmood- ul-Islam	N.R.
358	C.P.1855/2005	Pakistan Agricultural Research Council thr. its Chairman Vs. Khalid Masood Chaudhry, etc	Appeal No. 993(R)CE/2001 Dated 7.5.2005	Abdul Karim Khan Kundi, ASC Ch Muhammad Akram	N.R.
359	C.P.1874/2005	C.D.A. Thr. Its Chairman Vs. Saleh Muhammad	Appeal No. 16(R)CE/2004 Dated 23.4.2005	Muhammad Anwar Sipra Mr. Ejaz Muhammad Khan	N.R.
360	C.P.1931/2005	M/s Pakistan State Oil Company Ltd. and another Vs. Ghulam Farooq	Appeal No. 1431(K)CE/2001 Dated 4.6.2005	Mr. Zafar Iqbal,	Sheikh Riaz Ul Haq, ASC
361	C.P.1935/2005	The Pesident and Chief Executive Officer of Small & Medium Enterprises Vs. Munawar Ali Abbasi and another	Appeal No. 709(R)CE/2004 Dated 20.4.2005	Rao Fazal Akhtar, ASC Mr. Ejaz Muhammad Khan	Sheikh Iftikhar Hussain, Ch Muhammad Akram
362	C.P.1945/2005	Muhammad Afzal Sharif Vs. The Chief Executive Officer, LESCO, Ltd. and another	Appeal No. 205(L)CS/2001 Dated 4.5.2005	Mian Mehmood Hussain, ASC	N.R.
363	C.P.1950/2005	Secy. to Govt. of Pakistan Commerce	Appeal No. 559(L)CE/2001	Raja Muhammad Asghar, ASC	N.R.

		Div., Islamabad and others Vs. Muhammad Rashid	Dated 7.5.2005	Mr. M.A. Zaidi	
364	C.P.1977/2005	Secy. M/o Information and others Vs. Mamlook Hussain	Appeal No. 675(R)CE/2001 Dated 7.5.2005	Muhammad Bashir Kiani, ASC Mr. Ejaz Muhammad Khan	R- In Person
365	C.P.1985/2005	Allama Iqbal Open University, Islamabad thr. its Vice Chancellor and another Vs. Dr. Mrs. Farrukh Tahir	Appeal No. 743(R)CE/2003 Dated 12.5.2005	Raja Muhamamd Ibrahim Satti, ASC Mr. M.S. Khattak	N.R.
366	C.P.1999/2005	Anees ur Rehman Vs. S.M.E. Bank Ltd.	Appeal No. 743(R)CE/2003 Dated 12.5.2005	Hafiz S.A. Rehman, Mr. Mehr Khan Malik	N.R.
367	C.P.2025-2027/2005	Muhammad Ibrahim Vs. Federation of Pakistan thr. Secretary, M/o of Defence and another	Appeal No. 132(R)CE/2003 Dated 21.5.2005	Ch Muhammad Akram Mr. Abdul Rehman Siddiqui, ASC in CP2026-27L /05,	Mr. Arshad Ali Ch., ASC.
368	C.P.2039/2005	Chairman Pakistan Ordinance Factory Baord Wah Cantt. and another Vs. Sher Afsar Khan	Appeal No. 103(R)CS/2003 Dated 5.5.2005	Ch Muhammad Akram	N.R.
369	C.P.2048/2005	Muhammad Tahir Siddiqui Vs. State Life Head Zonal Insurance Corporation of Pakistan, and another	Appeal No. 102(L)CE/2004 Dated 26.5.2005	Malik Mukhtar Malik, ASC a/w Mr. Ejaz Muhammad Khan	Agha Tariq Mehmood, ASC Mr. Arshad Ali Ch.
370	C.P.2094-2102/2005	State Life Insurance Corporation of Pakistan and another Vs. Syed Hassan Ali Shah	Appeal No. 1420 to 1228(K)CE/2001 Dated 16.6.2005	Mr. M.A. Qureshi a/w Sajjad Malik, Regional Chief Insurance Corporation	N.R.
371	C.P.2179/2005	PTCL thr. Its Chairman PTCL, Islamabad and others Vs. Mansoor Ahmed Khan	Appeal No. 262(K)CE/2002 Dated 4.6.2005	Hafiz S.A. Rehman Mr. Mehr Khan Malik	N.R.
372	C.P.2190/2005	Muhammad Ilyas, Ex-Extra Assistant Director ADBP now ZTBL Vs. Zarai Taraqiati Bank Ltd., Islamabad thr. its President and another	Appeal No. 1487(R)CE/2003 Dated 11.6.2005	P- In Person	N.R.
373	C.P.2191/2005	S.M.E. Bank Ltd. thr. its Chief Executive Officer Vs. Mrs. Farhat Zafar and another	Appeal No. 351(L)CS/2004 Dated 18.6.2005	Mr. F.K. Butt, ASC Mr. Ejaz Muhammad Khan	N.R.
374	C.P.2200-2202/2005	The President, National Bank of	Appeal No. 69, 218, 823(L)/1999	Khawaja Muhammad	Mian Mehmood Hussain,

		Pakistan Vs. Muhammad Iqbal and others	Dated 17.6.2005	Farooq, ASC Mr. M.A. Zaidi	
375	C.P.2203/2005	Managing Director, Pakistan State Oil Company Limited and another Vs. Nazar Muhammad	Appeal No. 79(R)CE/2003 Dated 10.8.2005	Mr. Zafar Iqbal Chaudhry, .	Syed Aqa Asif Jaffri, ASC Mr. Arshad Ali Ch
376	C.A.522/98 (Under Section 2(A))	Chairman P.T. Company Vs. Irshad Muhammad Khan & others	Appeal No. 1(K)/1997 Dated 1.1.1997	Raja Muhammad Bashir, ASC Mr. Mehr Khan Malik	Sh.Riaz Ul Haq, ASC Mr. Ejaz Muhammad Khan
377	C.A.1394/99 & C/A/98-99/2000	Muhammad Idrees Vs. A.D.B.P.,etc.	Appeal No. 809(R)/1998 335(P)/1998 844(R)/1998 Dated 2.3.1999	Muhammad Akram Sheikh, Mr. M.A. Zaidi	Hafiz S.A. Rehman, Mr. Mehr Khan Malik Ch Muhammad Akram
378	C.A.638/2001	United Bank Ltd Vs. Syed Mazhar Hussain Shah	Appeal No. 1839(R)/1999 Dated 1.3.2000	Khawaja Muhammad Farooq, ASC Mr. M.A. Zaidi	Ch. Muhammad Sadiq Warraich, Mr. Ejaz Muhammad Khan
379	C.A.1580/2001	Investment Corporation of Pakistan, etc. Vs. Ch. Muhammad Shafiq	Appeal No. 1895(L)/1998 Dated 26.9.2000	Muhamamd Akram Khawaja, ASC Mr. Faiz-ur-Rehman	N.R.
380	C.A.1815/2001	The President HBL, etc. Vs. Mohammad Yousaf	Appeal No. 907(L)/1998 Dated 18.1.2001	Mian Abdul Bashir, ASC	R- In Person
381	C.A.1816/2001	President HBL, etc. Vs. Altaf Hassain	Appeal No. 1533(L)/1998 Dated 20.1.2001	Mian Abdul Rauf,	Mr. M.A. Qureshi
382	C.A.671/2002 & Crl.O.P.50/2002 in C.A.671/2002	Pakistan Steel Mills Corporation Vs. Abdul Rasheed Dahar and another.	Appeal No. 656(K)CE/2000 Dated 20.6.2001	Mr. M.G. Dastagir, ASC Raja Sher Muhammad Khan	Abdul Ghafoor Mangi, ASC Mr. Mehr Khan Malik
383	C.A.53/2002	Umar Ali Vs. Chairman ADBP, Islamabad others	Appeal No. 225(R)CE/2000 Dated 9.2.2001	Nemo	Hafiz S.A. Rehman, Sr. ASC Mr. M.A. Zaidi
384	C.A.138/2002	Managing Director P.I.A. Vs. Muhammad Hanif Lackho & another	Appeal No. 1982(K)/1998 Dated 26.1.2001	Mr. Javed Altaf, ASC Sh.Salahuddin	Abdul Ghafoor Mangi, ASC Raja Abdul Ghafoor
385	C.A.181/2002	Muhammad Shahid Nazir Vs. Pakistan Telecommunication Co. Ltd., etc.	Appeal No. 2054(L)/1998 Dated 27.3.1999	Nemo	Gorsi Din Muhammad Chaudhry,
386	C.A.492-494/2002	Ch. Muhammad Ashraf. Vs. State Life Insurance Corporation of Pakistan and another	Appeal No. 8, 102 & 103(P)CE/2000 Dated 6.2.2001	Javed A. Khan, Mr. Muhammad Zahoor Qureshi	Mr. M.S. Khattak in CA 492 to 499/02
387	C.A.525, 1176/2002	Muhammad Javed Iqbal Vs. PAEC thr. Its Secretary, etc.	Appeal No. 103(R)CE/2000 Dated 31.10.2000	A- In Person	Raja Muhamamd Ibrahim Satti, ASC Mr. M.S. Khattak
388	C.A.526/2002	Muhammad Aslam Khan Vs. A.D.B.P. Islamabad.	Appeal No. 1041(R)/1998 Dated 1.6.1999	A- In Person	Hafiz S.A. Rehman, Mr. Mehr Khan Malik
389	C.A.589/2002	Chairman A.D.B.P.	Appeal No.	Hafiz S.A.	Raja Muhammad

	(I.R)	and another Vs. Mumtaz Khan	81(P)/1999 Dated 26.6.2000	Rehman, Mr. M.A. Zaidi	Irshad, Deputy Attorney General Ms. Afshan Ghazanfar .A.A.G. Punjab Abdul Karim Khan Kudni, ASC Mr. Arshad Ali Ch. Mr. Irshad, Deputy Attorney General Mr. Arshad Ali Ch. Mr. Fazal Elahai Siddiqui, Mr. Ejaz Muhamamd Khan, AOR
390	C.A.593/2002	Shamsh ur Rehman Vs. D.G.P.S.B., etc.	Appeal No. 1094(R)/1999 Dated 6.10.2000	A- In Person	Mr. Irshad, Deputy Attorney General Mr. Arshad Ali Ch. Mr. Fazal Elahai Siddiqui, Mr. Ejaz Muhamamd Khan, AOR
391	C.A.613/2002	Muhammad Nawaz Gondal Vs. The Agricultural Development Bank and others	Appeal No. 488(R)CE/2001 Dated 28.7.2001	Khawaja Muhamamd Farooq, ASC Mr. M.A. Zaidi	Hafiz S.A. Rehman, Sr. ASC Mr. Mehr Khan Malik
392	C.A.689/2002	The President (Chairman) Executive Board N.B.P., etc. Vs. Khalil Ahmed Khan	Appeal No. 1083(L)/1998 Dated 16.6.2001	Ch. Ameen Javed, ASC Mr. Mehmood-ul-Islam	Mian Mehmood Hussain, ASC Mr. Faiz-ur-Rehman
393	C.A.870/2002	Capt (R) Malik Jahangir Ahmed Vs. Chairman P.A.E.C., etc.		Abdul Rasheed Awan, ASC Mr. M.A. Zaidi	Raja Muhamamd Ibrahim Satti, ASC Mr. M.S. Khattak Ms. Naheeda Mehboob Elahi, Deputy Attorney General
394	C.A.1081/2002 (D.B)	Syed Asif Ali. Vs. C.D.A., etc.		Mr. M.Bilal, Sr. ASC Mr. M.S. Khattak	Malik Muhammad Nawaz, ASC Raja Abdul Ghafoor
395	C.A.1085/2002	Zaheer ud Din Babar Vs. National Bank of Pakistan		Ch. Muhammad Sadiq Warraich, ASC Mr. M.S. Khattak	Khawaja Muhammad Farooq, ASC Mr. M.A. Zaidi,
396	C.A.1202/2002 (D.B)	United Bank Limited and others Vs. Waseem Anjum and anothers	Appeal No. 255(L)/1998 Dated 14.12.2000	Khawaja Muhammad Farooq, ASC Mr. M.A. Zaidi,	Muhammad Munir Peracha, ASC Mr. Ejaz Muhammad Khan
397	C.A.1695/2002 (D.B)	Waseem Ahmed Siddiqui Vs. F.S.T. etc	Appeal No. 819(R)/1997 Dated 1.5.2000	Mr. Arshad Ali Ch.	Abdul Baseer Qureshi, ASC Ch. Akhtar Ali
398	C.A.42/2005 (D.B) (Summons) (C.O)	Binte Zohra Vs. G.M. (A & P Utility Store Corporation Pvt. & another	Appeal No. 1014(R)CE/2001 Dated 7.10.2002	A- In Person	Muhamamd Jaffar Hashmi, ASC Mr. M.A. Zaidi
399	C.A.325-326/2003	N.B.P. etc. Vs. Abdul Sattar.	Appeal No. 1342(L)/1998 Dated 27.4.2001	Mr. Zafar Iqbal Ch.	Mr. Faiz-ur-Rehman
400	C.A.9/2004 (D.B)	Ali Asghar Hussain and others Vs. Zafar Ali	Appeal No. 1047(R)CE/2001 Dated 19.6.2003	Mr. M.S. Khattak	Raja Muhamamd Ibrahim Satti, ASC Ch Muhammad Akram
401	C.A.603-638/2004	Miss Rubina Ramzan Vs MD PIA Corporation Head Office, Karachi	In CA 603-627/04: Appeal No. 1497 to 1521(R)CE/2002 Dated 1.10.2003 In CA 628-638/04: Passed by Lahore High Court in W.P.805,/2002,	Mr. M.A. Ghani, in CA.603-627/04 Mr. Arshad Ali Ch. a/w Asmatullah Khan Manager PIA in CA 628-	Mr. Arshad Ali Ch. a/w Asmatullah Khan Manager PIA in 603-627/04 Mr. M.A. Ghani, in CA.628-629/04 and 631-32//04 Ch. Muhammad Sadiq

			1248/03, 1565/03, 1636/03, 1691/03, 1744/03, 1755/03, 1768/03, 1769/031996/032031/2003 dated 23.12.03	638/04	Warraich, in CA 633/04 Dr. Babar Awan a/w, Ejaz Muhammad in 634-36/04 Muhamamd Rashid Qamar a/w Raja Abdul Ghafoor, in CA 637-38/04
402	C.A.2139-2141 & 2948-2949/2004	Chairman, State Life Insurance Corporation, etc. Vs. Humayun Irfan.	Appeal No. 720(L)CE/2000 Dated 16.9.2004 Appeal No. 135(L)CE/2000 Dated 27.10.2004 Appeal No.454(L)CE/2001 Dated 18.10.2004 Appeal Nos. 202(P)CE & 1195(R)CE/2001 Dated 3.11.2004	Mr. M.A. Qureshi Mr. M.A. Zaidi	Hafiz S.A. Rehman In person CA 2141/04 Ch. Muhammad Akram in CA 2939/04
403	C.A.5-32/2005	P.I.A.C. & others Vs Tariq Ali Khan & others	Appeal Nos. 1363 & 1366 to 1392(R) CE/2002 Dated 7.11.2003	Mr. Arshad Ali Ch. a/w Asmatullah Khan Manger Legal PIA	Abdul Mujeeb Pirzada, a/w Mr. M.S. Khattak, and Mr. Faiz-ur-Rehman
404	C.A.134/2005	Board of Director's Pakistan State Oil Company Ltd. through Its Chairman and others Vs. Ghulam Haider Mari and another		Mr. Zafar Iqbal Chaudhry, ASC	Riaz ud Din Ahmad, ASC Mr. Ejaz Muhammad Khan
405	C.A.242-266/2005	State Bank of Pakistan thr. its Governor and another Vs. Sad Badshah	Appeal No. 1531 to 1555(R)CE/2002 Dated 28.8.2004	Malik Muhammad Qayyum, SAC Raja Abdul Ghafoor	Mr. Muhamamd Akram Sheikh, Sr. ASC Ch. Akhtar Ali
406	C.P.591-612,630/2003	Ch. Azhar Ali Safeer Vs. State Life Insurance Corporation of Pakistan through its Chairman State Life and others	Appeal No. 1075, 1076, 1077, 1079, 1080, 1082, 1086, 1088, 1094, 1096, 1097, 1099, 1100, 1106, 1108, 1111, 1114, 1115, 1118, 1112, 1119, 1120, (R)CE/2001 Dated 21.1.2003	Mr. M.A. Zaidi	Agha Tariq Mehmood, ASC Ch. Akhtar Ali
407	C.P.2320-2358/2005	United Bank Limited and another Vs. Manzoor Ali C/o U.B.L. Lahbour Union, Karachi	Appeal No. 1401(K)/1997 Dated 15.8.2005	Mr. Khalid Anwar, Sr. ASC assisted by Barrister Bilal Shaukat Mr. Asmat Kamal, Raja Abdul Ghafoor	N.R.
408	C.A.462/2002	M/s Sui Northern Gas Pipelines(Ltd) Vs. Asif Mehmood	Appeal No. 1656(R)/1999 Dated 2.11.2000	Mr. M.A. Qureshi	Mr. M.S. Khattak
409	C.A.702/2002 & C.A.120-134/2004 & C.A.475-479, 562 & 2062/2004	P.I.A. Vs. Omer Saeed Kazi.	Appeal No. 1322(K)/1998 Dated 6.12.2000 Appeal No. 178, 179, 205, 212, 218, 226, 234, 287(K)/1998 Dated 12.6.2003	Mr. Fazal Ghani Khan Sr. ASC, in CA 702/02 Javed Altaf a/w Mehr Khan Malik and Kamal Afsar, in CA 120-127,	Muhammad Akram Sheikh, Sr. ASC a/w M.A. Zaidi, AOR Mr. Faiz ur Rehman, Mr. Ejaz Muhammad Khan Arshad Ali Chaudhry, in CA 475-478/04

			Appeal No. 329 to 333 (K)CE/2002 Dated 10.5.2003 Appeal No. 91(K)CE/2004 Dated 22.4.2004 Appeal No. 287(K)/1998 Dated 4.5.2002	475-478/04 Mr. Faiz-ur-Rehman Mr. Waseem Sajjad, a/w Merh Khan Malik in CA 128-134/04 Asmatullah Khan, Manager Legal PIA Shahid Anwar Bajwa, ASC Mr. M.S. Khattak in CA 1570-1572/04 Mr. Ameer Alam Khan, Mr. M.A. Qureshi in CA 1573-74/04 Mr. Faizur Rehman in CA 1575/04	Dr. Farrukh Naseem, Raja Abdul Ghafoor, ASC
410	C.A.1570-1575 /2003 & C.A.207/2004	The Habib Bank Ltd. and others Vs. Mahmood Ali Khan	Appeal No.93@/CE/2003, 103(R)CE/03 & 104(R)CE2003) Dated 17.7.2003 Appeal No.1003 (R)/CE/2001 dated 10.6.2002	Shahid Anwar Bajwa, ASC Mr. M.S. Khattak in CA 1570-1572/04 Mr. Ameer Alam Khan, Mr. M.A. Qureshi in CA 1573-74/04 Mr. Faizur Rehman in CA 1575/04	Shahid Anwar Bajwa in 1575/04 Khawaja Muhamamd Farooq a/w Ejaz Muhammad Khan in CA 207/04
411	C.A.64-86, 480-547, 1228-1249/2004 & C.P.194/2004	P.T.C.L. thr. Chairman, etc. Vs. Rahat-e-Alam	Appeal No. 596 to 618(L)CS/2002 Dated 4.11.2003 Appeal No. 41 to 50, 164 to 169 (L)CS, 55 to 84(P)CS/2001, 271(P)CS/2002, 328(L)CS, 509 to 510(R)CS, 527, 529 to 537, 539 to 543(R)CS/2001 & 610 to 612(R)CS/2002 Dated 22.9.2003 Appeal No. 1113 to 1128(L)CS & 1140 to 1145(L)CS/2000 Dated 18.12.2003	Gorsi Muhammad Din Chaudhry, ASC Mr. Mehmood-ul-Islam in CA 64-86/04 Ch. Muhammad Sharif a/w Muhammad Ashraf Mirza Assistan Legal Advisor PTCL in CA 480-501 Mr. S.M. Abdul Wahab in CA 502-516/04 Mian Sarfraz Ul Hassan in 1228/04 etc.	Mr Abdul Wahid Chaudhry, Muhamamd Ashraf Mirza, PTCL Almas Haider Kazmi, a/w Arshad Ali Ch. Syed Aqa Asif Jaffri, Syed Safdar Hussain, Mirza Hifzur Rehman,
412	C.A.214/2004 (D.B)	M.D. National Books Foundation & another Vs Mrs. Irshad Abbasi	Appeal No. 387(K)CE/2002 Dated 2.8.2003	Mr. Afzal Siddiqi, ASC Mr. Ejaz Muhammad Khan	Nemo
413	C.A.1399/2004	G.M.Pakistan Television Corporation Lahore & others Vs. Muhammad Babar Zaman		Raja Muhammad Ibrahim Satti ASC Mr. Ejaz Muhammad Khan	Nemo
414	C.A.330-339/2005 & C.P.2735/2004	Pakistan Telecommunications Company Limited thr. its Chairman and others Vs. Haq Dad Khan	Appeal No. 152(P)CS/2001 Dated 8.11.2002 Appeal No.111, 112, 113, 114, 115, 116, 117,118, 119(K)/CS/02 dated 28.5.04 Appeal No. 1186(K)/1999 Dated 9.10.2004	Hafiz S A Rahman ASC Mr. Faiz-ur-Rehman (in) CA 330-339/05	Abdul Kareem Khan Kundi,ASC Afzal Siddiqi Arshad Ali Chaudhry
415	C.A.427/2005 (-) Tassaduq Hussain Gillani,	Mehar Muhammad Nawaz Vs. Managing Dir. SBFC, etc	Appeal No. 755(R)CE/2000 Dated 9.1.2003	Abdul Kareem Khan Kundi,ASC	FK But KSC Mr. Ejaz Muhammad Khan

J.				Mr. Arshad Ali Ch. Mr. Ejaz Muhammad Khan	
416	C.A.747-756/2005	Muhammad Ameen Memon and others Vs. M.D. Pakistan Television Corporation Ltd. and anothers	Appeal No. 50(P)CE/2003, 626 to 628(R)CE/2003 & 732 to 734(R)CE/2004 Dated 20.9.2004	Shaukat Aziz Siddiqui ASC Raja Abdul Ghafoor Mr. M.S. Khattak Ch Muhammad Akram	Abdul Kareem Khan Kundi,ASC Raja Muhammad Ibrahim Satti Mr. M.S. Khattak Ch Muhammad Akram
417	C.P.23/2005 (C.O)	Chairman State Life Insurance Corporation of Pakistan and others Vs. Salamat Ullah	Appeal No. 495(L)CE/2001 Dated 27.10.2004	Ibad ur Rehman Lodhi Mr. Ejaz Muhammad Khan	N.R
418	C.P.513/2004 (C.O)	Abdul Ghafoor Alvi Vs. Zari Tarkiyati Bank Ltd. and another	Appeal No.241(R)CE/2003 Dated 26.12.2003	Mr. Nazir Ahmad Khan Lughmani	Ali Hasan Gillani Mr. M.S. Khattak
419	C.P.800-824/2004	State Bank & another Vs. Muhammad Aslam Khan	Appeal Nos. 1049 to 1067(R)CE, 1140 to 1141(R)CE & 1156 to 1159(R)CE/2001 Dated 10.1.2004	Khalid Anwar ASC Raja Abdul Ghafoor	Tariq Aziz Mr. Ejaz Muhammad Khan
420	C.P.1508-1528/2004	P.T.C. Ltd., Islamabad Vs. Mansoor Ahmed Khan and others	Appeal Nos. 309 to 317(K)CS, 539 to 547(K)CS & 549 to 551(K)CS/2002 Dated 29.3.2004	Naeem Bukhari Mr. Ejaz Muhammad Khan	N.R
421	C.P.2356-2367/2004	Pervez Khan Vs. Pakistan Telecommunication Company Ltd. thr. its Chairman and another	Appeal No. 176(P)CS/2002 Dated 20.7.2004	Raja Muhammad Asghar Mr. M.A. Zaidi	N.R
422	C.P.2540 & 2646-2685/2004	President, Zarai Traqiati Bank Ltd. and another Vs. Syed Yawar Ali Bokhari	Appeal No. 42 to 57, 643, 229, 331, 904, 309 to 329(R)CE/2003 Dated 31.8.2004	Hafiz S A Rehman Mr. M.S. Khattak	Shahid Hamid Mr. Ejaz Muhammad Khan (CP2651-2664/04) CP2665 to 2685/04
423	C.P.2569-2603/2004	Ishrat Pervez Vs. Commissioner Afghan Refugees Organization, Peshawar and others	Appeal No. 167(P)CS/2001 Dated 16.9.2004	Ray Muhammad Nawaz Kharal Mr. Ejaz Muhammad Khan	
424	C.P.2893-2927/2004	P.T.C.L. thr. Chairman and another Vs. Abdul Rashid and others	Appeal Nos. 1330 to 1351, 1359 to 1371(R)CE/2003 Dated 18.10.2004	Ch Muhammad Akram	N.R
425	C.P.1300-1317/2005	Chairman, Pakistan Telecom Company Ltd and another Vs. Muhammad Naeem and others	Appeal Nos. 358 to 359, 409 to 418, 438 to 440, 443, 449 & 452(K)CS/2002 Dated 22.12.2004	Sheikh Riaz ul Haq Mr. M.A. Zaidi	N.R
426	C.P.1367-1377 &2028/2005	National Highway Authority thr. its Chairman and others Vs. Muhammad Idrees	Appeal Nos. 448, 454, 456, 458, 461, 466, 467, 470, 472, 531, 537(L)/1997 Dated 10.1.2005	Fasi Zafar, ASC Rao Muhammad Yousaf Khan CP 2028/05 Sheikh	Raja Muhammad Bashir Ms Khattak (CP1367-1369/05 (CP1370-1377/05) N.R

			Appeal No. 468(L)/1997 Dated 23.5.2005	Salauddin	
427	C.P.1502-1561/2005	Federation of Pakistan Vs. Mulazam Hussain and others	Appeal Nos. 690 to 750(R)CS/2004	Raja Muhammad Irshad DAG Ch. Akhtar Ali	N.R
428	C.P.1248-1285/2005	M.D. Utility Stores Corporation of Pakistan (Pvt.) Ltd. and another Vs. Ejaz Hussain Talat	Appeal Nos. 1557 to 1566, 1597 to 1624(R)CE/2004	Muhammad Jafar Hashmi Mr. M.A. Zaidi	Chudhry Muhammad Saddik Warrich Ejaz Muhammad Khan
429	C.P.2310/2005	The Chief Manager, State Bank of Pakistan, The Mall, Rawalpindi and others Vs. Ghulam Rasool and another		Raja Muhammad Ibrahim Mr. Ejaz Muhammad Khan	Hafiz SA Rehman Mr. M.A. Zaidi
430	C.P.2298-2304/2005	Chairman Pakistan Tobacco Board, Peshawar and another Vs. Azam Khan	Appeal Nos. 106 to 112(P)CE/2002 Dated 15.6.2005	Syed Aqa Asif Jaffery Mir Adam Khan	N.R
431	C.A.1824-1825/2001	The Circle Executive U.B.L.,etc. Vs. Mohammad Boota Saeed	Appeal No. 1032(L)/1998	Mr. M.A. Qureshi	In Person
432	C.A.2615-2618/2001	Zulfiqar Ali Vs. PTCL, etc.	Appeal Nos. 624(L)CS/2000 Dated 30.9.2000	Farooq Zaman Qureshi Mr. Faiz-ur-Rehman	Gorsi Muhammad Din Mian Sarfraz ul Hasan Mr. M.A. Qureshi
433	C.A.450-461/2004 (D.B) (E.H.)	Habib Bank Ltd. Vs. Nazeer Khan	Appeal No. 1328(K)/1998 Dated 9.9.2002	Shahid Anwar Bajawa Mr. N.C.Motiani M.A Qureshi	In Person
434	C.P.763/2003	Amanullah Memon Vs. Director Precision Engineering Complex Karachi Airport	Appeal No. 849(K)/2000 Dated 7.3.2003	Muhammad Akram Sheikh Mr. M.A. Zaidi	Mr. Arshad Ali Ch.
435	C.P.1410-L & 1439-L/2003	National Bank of Pakistan, etc. Vs. Azwar Hussain	Appeal No. 1089(L)/1999 Dated 3.4.2003	Ameer Alam Khan Mahmud-ul-Islam	Mr. M.A. Qureshi Mr. M.A. Zaidi
436	C.P.1519/2003	Ghulam Sarwar Vs. Pakistan Broadcasting Corporation thr.its Director General and others	Appeal No. 1039(R)CS/2002 Dated 22.5.2003	Sheikh Iftikhar Ahmed Mr. Ejaz Muhammad Khan	N.R
437	C.P.2445/2003	National Bank of Pakistan & another Vs Qasir Abbas & another	Appeal No. 1867(L)/1998 Dated 21.7.2003	Khawaja Muhammad Farooq Mr. M.A. Zaidi	N.R
438	C.P.2567/2003	Hafiz Abdul Rauf Vs. M.D. PASSCO & another	Appeal No. 881(L)/1999 Dated 17.7.2003	Altaf Ellahi Sheikh M Munir Pasha Mr. Ejaz Muhammad Khan	Mr. M.A. Qureshi
439	C.P.2274/2005	ZTBL, thr. its President and others Vs. Shabbir Ahmed Malik	Appeal No. 1922(R)CE/2005 Dated 23.7.2005	Hafiz SA Rehman Mr. M.S. Khattak	R- In Person

440	C.A.134/2003 (E.H) (Ch.O)	P.S.O. Ltd. Through its M.D. Vs. Tariq Akbar Khan and others	Appeal No. 1180(R)CE/2001 Dated 19.12.2002	Abid Hasan Minto Ch. Akhtar Ali	Chudhry Mushtaq Ahmed Mr. Ejaz Muhammad Khan R- In Person
441	C.A.958/2003 (S.J)	State Life Insurance Corp. of Pakistan, etc. Vs. Mian Abdul Majeed.	Appeal No. 9923/2001 Dated 28.10.2002	Muhammad Jhanzab Khan Bharwana	Nemo
442	C.P.681-719- K/2005	Manzoor Ali Vs. U.B.L. and others	Appeal Nos. 1401, 708, 714, 718, 749, 755, 767, 778, 782, 803, 825, 859, 866, 874, 876, 908, 944, 1015, 1152, 1196, 1218, 1266, 1390, 1422, 1450, 1500, 1507, 1612, 1620, 1648, 1656, 1774, 1796, 1836, 1912, 1966, 2034, 2056, 964, 965(K)CE/1997 Dated 15.8.2005	Asmat Kamal	Naseem Ahmed MG Dastiger
443	C.A.783/2005	Hassan Khan Vs. M/s Sui Southern Gas. Co. Ltd. and others	Appeal No.194(K)/1998 dated 12.11.2002	P- In Person	A.S.K Ghouri
444	C.P.2258/2005	National Bank of Pakistan thr. Attorney and others Vs. Muhammad Aslam	Appeal No. 337(L)/2000 Dated 2.6.2005	Khawaja Muhammad Farooq Mr. M.A. Zaidi	N.R
445	C.P.2421- 2424/2005	Chairman, PTCL, Headquarter, Islamabad and another Vs. Saeed Anwar and others	Note:- Paper books are not available	Hafiz SA Rehman Mr. M.S. Khattak	N.R
446	C.P.2282- 2283/2005	Pakistan International Airline Corporation and another Vs. Rafiq Ahmed Shaikh	Appeal Nos. 767 to 768(K)CE/2003 Dated 2.6.2003	Shahid Anwar Bajwa Mr. M.S. Khattak	Muhammad Afzal Siddiqi Mr. Ejaz Muhammad Khan
447	C.P.2768- 2770/2005	M.D. Pakistan Television Corporation, PTV, Headquarter, Islamabad and another Vs. Zia ur Rehman, Personnel Officer and another	Appeal Nos. 2268 & 2269(R)CE/2005 Dated 2.12.2005	Raja Muhammad Asghar Ubaid ur Rehman	Mr. Ejaz Muhammad Khan Ch. Akhtar Ali
448	C.P.88-L/2001	Nazar Khan Vs. UBL, etc.	Appeal No. 1626(L)/1998 Dated 11.11.2000	Farooq Zaman Qureshi	N.R
449	C.P.1090 & 1401/2002 C.P.109- 114/2003 & 136, 803-834, 843- 900, 922-982, 1000-1031, 1106, 1202- 1203, 1609, 2441, 3304/2003 & C.P.47, 56-67, 492-494, 738/2004 & C.P.88-91, 106- 112, 183-299,	Dr. Huzoor Bux Vs Federation of Pakistan & others	Appeal No. 870(R)CE/2000 Dated 5.4.2002 Appeal No. 1340(K)CE/2001 Dated 6.3.2002 Appeal No. 871, 872, 873, 878, 881 & 883(R)CE/2001 Dated 4.11.2002 Appeal Nos. 870(R)CE/2001 Dated 4.11.2002 Appeal Nos. 580 to 585, 894 to	Mr. Ali Hassan Gillani, ASC a/w Mr. Mehr Khan Malik in CP 1090/2002 Ch. Muhammad Akram, in CP 1401/02 Syed Iftikhar Hussain Gillani a/w Meher Khan Malik, in CP 109-114, 136, 803-834, 922, 1106, 1609,	Khawaja Muhamamd Farooq, ASC a/w Mr. M.S. Khattak, in CP 1401/02, CP 803- 834/03, CP 1000- 1031/03, CA 605- 719/03 Mr. Qureshi, AOR in CPs 109-114, 136/03, Mr. Tariq Asad in CP 1202/03, Syed Iftikhar Hussain Gillani a/w Mehr Khan Malik in CPs 56-67/04, 608-670- 817, 1218-1241/05,

345-439, 452-
817, 838-
1241/2005
&C.A.685-
719/2003
&C.A.1032/04
&C.P.1679-L-
1682-L/2004
&C.P.1697-
1699-L/2004
&C.P.1028-
1049/2004 &
C.A.786/2005

919(K)/1999
Dated 10.3.2003
Note:-
CP. 843/2003
Is Missing
Appeal Nos.313,
314, 317, 318 to
327, 331, 333 to
336, 338 to 341,
343, 345, 347,
481(K)/1998,
1223(K)/1999, 148,
537, 538, 658, 659,
661 to 677, 712,
713, 767, 769 to
772(K) CE/2000
Dated 10.3.2003
Note:-
CP. 1000/2003
Is Missing
Appeal
Nos.332(K)CE/199
8, 581, 679 to 681,
683 to 685, 687 to
693, 696, 698 to
702, 766, 768, 773,
775 to 780, 782,
784(K)CE/2000
Appeal Nos. 313,
314, 316 to 327,
331, 333 to 336,
338 to 345, 347,
481, 1223 &
1226(K)/1998, 537
to 539, 658 to 677,
712, 713, 767, 769,
770, 771, 772 &
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Dated 10.3.2003
Note:-
C.P. 1106, 1202-
1203, 1609, 2441,
3304/2003 are
missing.

C.P. 47/2004 is
missing.

Appeal Nos. 2323
to 2330, 2335,
2336(R)/1999, 70
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Dated 31.10.2003

Note:-
CP 492-494,
738/2004 & CP
88-91, 106 to 112

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763, 765, 766, 768,
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804, 806, 808, 809,
811, 815, 816, 817,
818, 819, 820, 821,
822, 824, 825, 826,
827, 828, 831, 833,
834, 835, 837, 839,
842, 853, 854, 855,
856, 859, 861, 862,
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to 1119, 1188 to
1190, 1195, 1197,

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CPs 56-57/04,
CPs 608-611,
622, 670-817,
1218/05 and
CRP 64 to 68 of
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Mr. Waseem
Sajjad in CP 843
to 900/03,
Waseem Sajjad
a/w Mehr Khan
Malik in CA
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1032/04, CRP
60,61, 62/03,
Muhammad
Akam Sheikh,
Sr. ASC a/w
Mehr Khan
Malik in CP
1000-1031/03
Khawaja
Muhammad
Farooq, a/w
Mr. M.S.
Khattak in CPs
923-982/03 CP
47, 56-67/04,
492-494/04, CPs
183-299/05, CP
345-439/05, 452-
1241/05, 670-
817/05,

Arshad Ali Chaudhry,
in CPs 183-299/05,
Mr. Wassem Sajjad a/w
Arshad Ali Chaudhry in
CP 345-439/03 ,
Waseem Sajjad a/w
M.S. Khattak, in CA
605-719/03,
Mr. Abdul Hafeez
Pirzada a/w Mehr Khan
Malik in CP 452-
1241/05

1199, 1200, 1201
to 1205, 1207,
1209, 1210, 1214,
1216, 1217, 1239,
1244, 1246, 1249,
1250, 1251, 1252,
1255, 1257, 1260,
1262, 1268, 2268,
2269, 2271, 2272,
2273, 2274, 2277,
2279, 2281, 2282,
2283, 2285, 2288,
2292, 2293, 2297,
2300, 2302, 2303,
2304, 2306, 2309,
2310, 2312, 2314,
2317,
2334(R)/1999, 632,
633, 634 &
637(R)CE/2000
Dated 23.10.2003
Appeal Nos. 567 to
587, 594 to 662,
664, 834, 1004,
1033, 1034, 1035
(R)CE/2002
Dated 8.11.2003

Appeal Nos. 554,
550, 551, 710, 575,
576, 577, 632, 633,
639, 640, 641, 252,
253, 254, 258, 260,
261, 262, 265, 266,
508, 895 to
902(K)CE/2001,
526, 550, 573, 574,
575, 577, 578, 618,
641, 765, 1067 to
1073, 1159 to
1162, 1166, 1168,
1169, 1171, 1172,
1174, 1176, 1238,
1239, 1266,
190(K)/1998, 570,
572, 574 to 580,
582 to 625, 631,
648, 649, 1284 &
1491(R)CW/2002,
1677(K)CE/2000,
219(R)CW/2002,
463(R)CW/2003,
1285(R)CW/2002,
141(R)CE/2003,
1008(R)CW/2002,
1273, 571, 573,
750(R)CE/2003,
5(Q)CE/2004, 315,
328, 329, 330, 344,
346(K)/1998, 1667,
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CE/2001,
245(K)CE/2003,
62 to
66(Q)CW/2003,
1391,
1392(R)CW/2003,
519(R)CE/2002,
1283, 1009 to
1012, 1186 to
1191, 1193, 1197,
1323 to
1350(R)CW/2002,
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444(R)CW/2003,
1411 to 1415, 1472
to
1483(R)CW/2002,
220 to 224, 250,
251, 462, 464 to
493, 497 to 536,
557, 565 to 652,
654, 698 to 703,
751 to 763, 814 to
816, 847 to 852,
856, 857, 869 to
872, 1298 &
5(R)CW/2003,
1135, 1274, 1276
to
1281(R)CW/2002,
142 to 144,
1481(R)CW/2003
Dated 12.11.2004

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1207(R)CE, 568,
570(K)CE, 1266,
1267(R)CE/2000,
39, 40(R)CE,
180(P)CE, 348,
350, 351, 352, 448,
449, 450, 451, 452,
453, 464, 467, 507,
508, 510, 511, 512,
515 to 524, 528,
530, 531, 536, 537,
556 to 653, 655,
656, 657, 677 to
737, 739 to 781,
786 to 817, 840 to
869, 895 to 903,
917, 918, 938 to
953, 965, 966, 972,
973, 1127 to 1134,
1143, 1200 to
1202,
1208(R)CE/2001,
421 to 425, 440,
446 to 473, 516,
517, 588 to 593,
663, 690, 691, 835,
836,
1264(R)CE/2002,
72, 84, 100, 101,
114, 115 & 116(R)
CW/2003
Dated 2.10.2003

Appeal No.
160(K)CE/2001
Dated 26.8.2002

Note:-
C.A. 1032/2004 &
CP 1679-L to
1682-L/2004 &
C.P. 1697 to 1699-
L/2004 & CP 1028
-1049/2004 & CA
786/2005 paper
books are not
available.

450	68/2003 in C.A.370-371,378, 368-369,372, 373 & 375 /2001	Vs. Federation of Pakistan and others.	370, 371, 378/2001 Dated 22.10.2001 Civil Appeal Nos. 368, 369, 372, 373, 375/2001 Dated 22.10.2001	Sajjad, Sr. ASC a/w Mr. Mehr Khan Malik in CRP 60, 61,62/03 Syed Iftikhar Hussain, Sr. ASC a/w Mehr Khan Malik in CRP 64-68/03	ASC a/w Mr. M.S. Khattak in CRP 60, 64-68/03
451	C.R.P.81-82, 101-103, 118-120/2003	The Managing Director Sui Southern Gas Co.Ltd . Vs. Ghulam Abbas and others	Civil Appeal Nos. 533/2002 Civil Petition 1850/2002 Dated 2.5.2003 Civil Petition No. 2391, 2392 & 2394/2002 Dated 10.6.2003 Note:- CRP 118-120/2003 papers books are not available.	Barrister Chaudhry Muhammad Jamil a/w M.S. Khattak, in CRP 81-82/03 Khawaja Muhammad Farooq, Mr. M.S. Khattak in CRP 101-103/03, Malik Muhammad Qayyum, ASC a/w M.S. Khattak, in CRP 118-120/03	Mr. Waseem Sajjad, Sr. ASC a/w Mehr Khan Malik in CRP 81-82/03, Muhammad Akram Sheikh, Sr. ASC a/w Mehr Khan Malik in CRP 118-120/03 R-In person in CRP 101-103/03
452	CrI.O.P.35-36, 43, 50/2003, 12, 14-15/2004	Ejaz Ali Mugheri & others Vs. Munawar Basir Ahmed, MD, Sui Southeren Gas Co.Ltd. & another		Mr. Waseem Sajjad, Sr. ASC a/w Mehr Khan Malik in Cr.O.35/03, Cr.O.P.14, 15/04 Mr. Waseem Sajjad a/w Ejaz Muhammad Khan in Cr.O.P.50/03, Mr. Abdul Hafeez Pirzada, Sr. ASC a/w Mehr Khan Malik in Cr.O.P. 36/03, Syed Iftikhar Gillani a/w Mehr Khan Malik in CrI.O.P. 43/03, Cr.O.P. 12/04	Mr. Khalid Anwar a/w Mr. M.S. Khattak, AOR in CrI.O.P. 35, 36, 43, 50/03, CrI.O.P.12, 14, 14/04

Dates of hearing : 16th to 20th January, 2006.

JUDGMENT

IFTIKHAR MUHAMMAD CHAUDHRY, CJ. – In appeals No. 792 of 2005 and 148 to 167 and 174 to 178, etc. appellant questioned the judgment dated 27th

November 2004, passed by Federal Service Tribunal. Relevant para therefrom reads thus:---

“11. The upshot of the whole discussion is that the appellant is a civil servant in terms of Section 2(i)(b) of the Civil Servants Act, 1973 and section 2-A of the Service Tribunals Act, 1973 and ,therefore, can invoke the jurisdiction of this Tribunal for redressal of his grievance in respect of his terms and conditions of service. The FST’s jurisdiction in the PAF Educational Institutions has been recognized by the Hon’ble Supreme Court in its judgments referred to earlier. The fact that the Appellant is considered as a civil servant for limited purpose for invoking the jurisdiction of this Tribunal, he will not be automatically entitled to all the benefits of rules, regulations which govern the civil servants Appellant shall be governed by the terms and conditions of service as laid down in AFM-540, which he accepted at the time of joining of service and any violation of the terms and conditions contained in the said Manual and if he is adversely affected he can approach the FST for redressal. The perusal of the AFM also indicates that some Government rules have been adapted by the PAF for application in these Institutions and now form part of AFM No.54-2. The employees of these Institutions shall be governed by those adopted Government rules by the Respondents and therefore, the plea of the Appellant is accepted to that extent. All the Government rules and regulations governing civil servant which do not form part of the AFM No.54-2 cannot be made applicable to him till these are adopted by the PAF Management Committee for these Institutions. Furthermore, having accepted the terms and conditions of his appointment letter Appellant is estopped from requesting for ipso facto application of Government rules and regulations to him.”

2. After hearing parties counsel, leave to appeal was granted, inter alia, to examine following questions:--

- 1) Whether or not the teachers/employees of PAF Educational Institutions managed by the Managing Committees or bodies are civil servants under Section 2(1)(b) of the Civil Servants Act, 1973 or for the purpose of Section 2-A of the Service Tribunals Act, 1973?
- 2) Whether employees/Teachers of PAF Educational Institution can invoke the jurisdiction of the Tribunal as well as of this Court under Article 212(3) of the Constitution of Islamic Republic of Pakistan.
- 3) The question of validity and vires of Section 2-A of the Service Tribunals Act, 1973 on the touchstone of

Article 212 and other provisions of the Constitution of Islamic Republic of Pakistan.

3. It may be noted that above questions, particularly the question cited at Sr. No.3, was likely to affect a large number of cases of the employees who are deemed to be civil servants under Section 2-A of the Service Tribunal Act, 1973 [herein after referred to as “STA, 1973”], therefore, constitution of larger bench was considered appropriate and office was directed to club all identical petitions and appeals for disposal by means of an authoritative pronouncement on the subject. Learned Attorney General for Pakistan was also asked to assist the Court, as different Constitutional provisions were likely to come under examination.

4. Learned counsel for the parties argued as follows:--

5. Mr. Muhammad Akram Sheikh, learned Sr. ASC contended that :-

- a) Ultimate constitutional objective is to establish an egalitarian society, and if there was a sufficient public law element, then the concept of master and servant will not be applicable.
- b) Section 2-A of the STA, 1973 should be saved, instead of destroying it as it is well settled that the Court must act in favour of upholding the constitutionality of a legislation.
Reliance in this behalf has been placed on **Gunton v. London Borough of Richmond upon Thames** [1980] 3 All ER 577, **R v. Civil Service Appeal Board** [1988] 3 All ER 686, **Inamur Rehman v. Federation of Pakistan** (1992 SCMR 563) and **Farasat Hussain v. Pakistan National Shipping Corporation** (2004 SCMR 1874).
- c) If ultimately, this Court comes to the conclusion that Section 2-A is ultra vires of the Constitution, the judgment being pronounced on its constitutionality shall be declared to have application prospectively.
- d) This Court is always fully empowered to provide guidelines on the issues to the Federation of Pakistan under the circumstances of the case.

Reliance in this behalf has been placed on Workers of M/s Rohtas Industries Ltd. v. Rohtas Industries Ltd. (AIR 1990 SC 481)

6. Mr. Naeem Bukhari, learned ASC argued that :---

- i) There is no limitation on the powers of Parliament to declare any service to be the service of Pakistan, therefore, in exercise of these powers, a declaration in terms of Section 2-A of the STA, 1973 has been made accordingly, as a result whereof every person holding a post in a statutory body and Federally controlled and managed organization shall be deemed to be in the service of Pakistan and would be treated as civil servant under the CSA, 1973, for the purpose of availing remedy under the law. In this manner, by reason of a legal fiction, the employees covered by Section 2-A of the STA, 1973 shall be deemed to be civil servants.

Reliance in this behalf has been placed by him upon Mehreen Zaibun Nisa v. Land Commissioner Multan (PLD 1975 SC 397 at 433) and Siraj Din v. Sardar Khan (1993 SCMR 745 at 749).

- ii) The Legislature was fully conscious that Article 260 of the Constitution excludes certain persons from the definition of 'service of Pakistan' but in spite of it, by enacting Section 2-A of the STA 1973, for class of employees holding a post in a statutory authority and Government managed or controlled bodies and Corporations, whose cases are covered under Section 2-A, though excluded from the definition of 'civil servant' by providing a deeming clause indeed for this reason, ignorance is not to be imputed to the Legislature because, wisdom is always expected in favour of the Legislature, which has not to be called in question by the Courts while interpreting the law on the subject.

In this behalf he relied upon Aftab Ahmed v. K.E.S.C. (1999 SCMR 197), PIA Corporation v. Koural Channa (1999 PLC (CS) 1539), Divisional Engineer Phones v. Muhammad Shahid (1999 SCMR 1526), Zahir Ullah v. Chairman WAPDA, Lahore (2000 SCMR 826), Anwar Ali Sahto v. Fedeation of Pakistan (PLD 2002 SC 101), Managing Director, SSGC Ltd. v. Ghulam Abbas, (PLD 2003 SC 724).

- iii) In the light of the judgments cited above, Section 2-A of the STA, 1973 is intra vires of the Constitution. However, one aspect appears to have been overlooked e.g. every person, if not holding a post, would be governed by terms of the contract, and the remedy available to such a person would be a suit for damages. Word ‘permanent post’ has been defined in Section 2(1)(e) of the CSA, 1973.

Reliance is placed on State of Assam v. Kanak Chandra (AIR 1967 SC 884 rel. 886 at para 10)

- iv) Section 2-A of the STA, 1973 holds the field from 1997 and its constitutionality has never been challenged, therefore, at this belated stage, it would not be appropriate to strike it down.

7. Mr. M.A. Ghani, ASC contended that

- a) Section 2-A is applicable to those employees who do not fall within the category of worker or workman
- b) Article 212 of the Constitution does not cater to protect the validity of Section 2-A of the STA, 1973 and the remedy is independent of Article 212 of the Constitution because Section 2-A of the STA, 1973 itself provides a remedy.
- c) As regards the worker or workman, since Article 212 of the Constitution is not attracted in the case of Section 2-A and if so, Section 2-A is reduced to ordinary piece of legislation, dealing with routine cases of service and employment.

- d) Industrial Relation Ordinance is a special law, dealing with special class of people. Section 2-A of the STA, 1973 is an ordinary piece of legislation, thus the former is to prevail.
 - e) Service Tribunal Act is a procedural law whereas Civil Servants Act is a substantive law. Unless corresponding amendment is made in the substantive law i.e. Civil Servants Act, they do not become civil servants and Article 212 of the Constitution would not be applicable.
 - f) Under jurisprudence, there are two types of interpretations; one is literaligus and the other is centialigus. The Court must accept first interpretation because the legislature has said that what it means in so many words, and second interpretation can be adopted if there is ambiguity.
8. Ch. Muhammad Farooq, ASC adopted the arguments of Mr. M.A. Ghani, ASC.
9. Syed Asif Ali Shah, learned ASC argued that :---
- a) Section 2-A of STA, 1973 is not in derogation of the Constitution, therefore, its constitutionality cannot be objected to.
10. Raja Muhammad Ibrahim Satti, ASC contended that :---
- i) Section 2-A is intra vires of the Constitution.
 - ii) This Court cannot examine the vires of any legislation in collateral proceedings.
 - iii) No one, either an employee or an employer, has challenged the validity of Section 2-A of the STA, 1973.
 - iv) In collateral proceedings, only under Article 8 of the Constitution, this Court can strike down the vires of legislative instrument. Since provision of Section 2-A of the STA, 1973 is a beneficial provision, therefore, it cannot be struck down.
 - v) No decision by this Court can affect the petitions and appeals pending before this Court.
11. Mr. Abdul Hafeez Pirzada, learned Sr. ASC contended that:---

- i) Neither any one has challenged the vires of Section 2-A of the STA, 1973 nor amongst both the parties has any one prayed for examination of its constitutionality.
- ii) This Court cannot widen the scope of Article 212 of the Constitution by framing a question to examine the constitutionality of Section 2-A of the STA, 1973.
- iii) This Court does not act in a vacuum. The Court has to take notice of these conditions in which the society is functioning. That is why it is said that no Constitution is rigid. While dealing with the case, we have to look into the ever changing circumstances of the society.

12. Mr. Tariq Asad, ASC contended that :---

- a) The Court has no power of judicial review to declare any law against the Constitution, unless the test laid down in Article 8 of the Constitution is fulfilled.

13. Mr. Wasim Sajjad, learned Sr. ASC stated that:-

- a) Section 2-A is intra vires of the Constitution.
- b) If the Court has decided to examine the vires of Section 2-A of the STA, 1973, it would also be required to take into consideration the implications of the Removal from Service (Special Powers) Ordinance 2000, which covers both the categories of the employees i.e. civil servants and the workers; and this Ordinance has got the Constitutional protection, in view of 17th Amendment of the Constitution.
- c) The definition of 'service of Pakistan' under Article 260 of the Constitution is very wide and generally it is termed as 'government service'.

In this behalf he relied upon Ajit Singh v. State of Punjab (AIR 1970 Haryana 351), Salahuddin v. Frontier Sugar Mills and Distillery Ltd. (PLD 1975 SC 244), to define the expression i.e. person performing functions in connection with the affairs of the Federation or Province.

- d) Article 260 of the Constitution deals only with one aspect of the service of Pakistan. Article 212 of the Constitution is an independent Article and it deals in respect of matters relating to the terms and conditions of service of the persons, who are or have been in the service of Pakistan, whereas Article 240 of the Constitution deals in respect of the service of the Federation, posts in connection with the affairs of the Federation and All Pakistan Service by or under the Act of [Majlis-e-Shoora (Parliament)]. Therefore, the Tribunal can exercise exclusive jurisdiction in respect of the employees whose cases are covered by Section 2-A of the STA 1973, notwithstanding that under Article 240 of the Constitution, their terms and conditions have been prescribed or not.
- e) The Court while interpreting the Constitutional provisions has to keep in mind the social set up of the country.

Reliance in this behalf has been placed by him on **M/s Ellahi Cotton Mills v. Federation of Pakistan** (PLD 1997 SC 582) and **Arshad Mehmood v. Government of Punjab** (PLD 2005 SC 193).

He also relied upon **American Jurisprudence 2nd Edition Vol. 16 para 86** and the copy of speech of the then Law Minister Khalid Anwar, when Section 2-A was being promulgated.

- f) If the Court comes to the conclusion that Article 2-A of the STA, 1973 is ultra vires of the Constitution following the judgment in the case of **L. Chandra Kumar v. Union of India** (AIR 1997 SC 1125), it may be held that the earlier judgments passed by the Service Tribunal are valid and within jurisdiction but these can be challenged before the High Court under Article 199 of the Constitution and this Court may transfer pending, petitions for leave to appeal to the respective High Courts for treating them as Constitution Petitions under Article 199 of the Constitution for disposal.

14. Dr. Babar Awan, learned ASC contended as under:--

- i) The Legislature through, Section 2-A of the STA, 1973, has validly declared the status of persons holding a post in statutory Corporations and autonomous bodies as “service of Pakistan” with the intention to protect them from arbitrary exercise of administrative discretion and in conformity with prevalent universal practice of enforcement of rule of law and protection of rights of employees.
- ii) Section 2-A of the STA, 1973 was inserted through an Act of Parliament, therefore, it is a valid enactment.
- iii) Jurisdiction of the Tribunal under Section 2-A of the STA, 1973 is to be judged in conjunction with Section 5 of the STA, 1973.
- iv) Jurisdiction conferred on Tribunal under Section 2-A of the STA, 1973 to adjudicate upon the grievance and claims of the persons, classified therein, does not offend the spirit of the Constitution because it is a Constitutional jurisdiction, by means of which word ‘deemed, has been inserted in law, therefore, Section 2-A of the STA, 1973 has to be protected.
- v) A forum of Appeal with the leave of this Court is provided under Article 212(3) of the Constitution, to this Court.
- vi) No law can be declared as void under the scheme of the Constitution, unless it falls within the parameters of Article 8 of the Constitution.
- vii) Article 37 (d) of the Constitution provides for promotion of social justice and to ensure inexpensive and expeditious justice to every citizen.

Reliance in this behalf has been placed on **The State v. Zia-ur-Rahman** (PLD 1973 SC 49) and **Hakam Qureshi v. Judges of the Lahore High Court** (PLD 1976 SC 713).

- viii) The Federation has not come forward to do something for the poor employees of the Corporations, etc. therefore, instead of striking down Section 2-A of the STA, 1973 as a whole, instructive guidelines and directions, as deemed fit, may be issued to the Federation in view of the judgment of this Court in

the case of **Khan Asfandyar Wali v. Federation of Pakistan** (PLD 2001 SC 607).

- ix) There are a number of laws under which one segment of the society is excluded from the jurisdiction of Special Courts under a particular provision of law. Reference in this behalf can be made to NAB Ordinance, 1999.

15. Mr. Adul Mujeeb Pirzada, ASC at the very out set pointed out that

- i) The Federal Government itself is not interested to repeal Section 2-A of the STA 1973, as would be evident from the statement filed on its behalf by the learned Deputy Attorney General.
- ii) Section 2-A of the STA, 1973 is intra vires of the Constitution and it does not violate any of its provisions.
- iii) The principle of master and servant is violative of the injunctions of Islam, Quran, Sunnah and the Objectives Resolution. This principle is also violative of Article 14 of the Constitution being against the dignity of person, security of life and property of the individual employees, guaranteed under Article 9 of the Constitution. This principle is also discriminatory and runs against the provisions of Article 25 of the Constitution, therefore, Article 2-A of STA, 1973 is to be saved in the interest of justice.
- iv) Section 2-A of STA, 1973 has only provided a forum to the employees of Corporation, etc. and their cases have to be decided according to rules and regulations, governing their service, therefore, for this reason, there is no point to discuss as to whether Section 2-A of STA, 1973 is ultra vires of the Constitution or not.

16. Mr. Iftikhar Gillani, learned Sr. ASC contended as follows:-

- a) The class of service under Section 2-A of the STA, 1973 is distinct from civil servants as defined in Section 2(1)(b) of the CSA, 1973, therefore, neither they are in the service of Pakistan, nor they are civil servants. This distinction has been highlighted

firstly in the case of **Noor Mustafa Khuhro v. The Federation of Pakistan** (1998 PLC (CS) 1263) and approved in **Zahir Ullah** (ibid) and **Muhammad Nasim Turyali v. Ghulam Sarwar Khan** (PLD 2005 SC 570)

- b) Under Article 63 of the Constitution, the Government service and the service of a statutory body has been treated at par and not distinctly, therefore, in view of the judgment in the case of **Shahid Nabi Malik v. Chief Election Commissioner** (PLD 1997 SC 32), it may be treated as a new specie.
- c) In the case of **Zahir Ullah** (ibid) it has been held that the employees covered under Section 2-A of the STA, 1973 have attained the status of Government servant by fiction of law, as it also includes the persons appointed on contract basis, etc, therefore, they can avail remedy before the Service Tribunal.
- d) As per the will of the Legislature, the employees of a Corporation have been declared to be holders of post in the service of Pakistan, therefore, whether it is right or wrong decision of the Legislature, the same has to be respected and it cannot be struck down for reasons of jurisdiction, impropriety or expediency.

In this behalf he relied upon **Reference by the President [No.1 of 1957]** (PLD 1957 SC (Pak) 219), **Kihota Hollohon v. Zachilhu** (AIR 1993 SC 412), **Pir Sabir Shah v. Shah Muhammad Khan** (PLD 1995 SC 66) and **Zulfiqar Ali Babu v. Government of the Punjab** (PLD 1997 SC 11).

17. Mr. Khalid Anwar, learned Sr. ASC contended that:-

- a) Section 2-A of the STA, 1973 is wholly ultra vires and unenforceable.
- b) As per Article 260 of the Constitution, unless a person is in the service and holding a post, his case does not fall within the definition of “service of Pakistan”.
- c) It is a misconception that the Parliament, by means of a deeming clause, can declare that the persons holding a post under any authority or Corporation, body or organization, established by or

under the Federal law or which is owned or controlled by the Federal Government or in which the Federal Government has controlling share or interest, to be in service of Pakistan and holder of post under such authority or Corporation, body or organization shall be deemed to be a civil servant for the purpose of this Court, because no such power is available to it under Article 142 of the Constitution.

- d) A declaration could be given for the purpose of STA, 1973 and CSA, 1973 and even for the purpose of the Constitution but not for legislative purposes.
- e) According to Article 240, read with Article 260 of the Constitution, if a person who is in service of Pakistan or has been declared to be in service of Pakistan, his appointment and the terms and conditions of service shall be determined by the Act of Parliament.
- f) Section 2-A of the STA, 1973 has not provided any appeal to the Supreme Court, as appeal with the leave, lies before it if the conditions laid down in Article 212(3) of the Constitution are fulfilled, therefore, if it is concluded that remedy to the persons covered by Section 2-A of the STA, 1973 is before an ordinary statutory Tribunal, their remedy would lie before the High Court under Article 199 of the Constitution, being the only Article in the Constitution to safeguard the fundamental rights, thereunder.
- g) Declaration of status of persons under Section 2-A of the STA, 1973 is for the purpose of Article 260 of the Constitution or for the purpose of STA, 1973 or CSA, 1973, therefore, all those persons, who are not holding the post, cannot be declared to be in service of Pakistan for the purpose of treating them to be civil servant under STA, 1973.
- h) Section 5 of the CSA, 1973 deals with the appointment in all Pakistan service or to civil service of the Federation or to a civil post in connection with the affairs of the Federation in the prescribed manner, whereas Section 6 and 7 of the CSA, 1973 deal with the probation and confirmation of a civil servant, therefore a person who is appointed on contract basis, etc.

cannot be deemed to be in regular appointment and cannot be said to hold a post, as such he has no legal entitlement to avail of remedy before the Service Tribunal.

- i) In **Ghulam Abbas case** (ibid) [2003 SCMR 734], this Court has held that law of master and servant does not apply and in such situation the High Court may be approached by an employee; and if no relief is granted by the High Court, then he may invoke the jurisdiction of this Court under Article 185(3) of the Constitution.
- j) The workers/workmen, in presence of the Industrial Relations Ordinance 2002 [herein after referred to as “IRO, 2002”] cannot avail remedy before the Service Tribunal under Section 2-A of the STA, 1973 because the Labour laws being special law shall prevail, which is meant specially for such category of people, instead of invoking jurisdiction of the Service Tribunal, which is a general law for all intents and purposes.

18. Mr. Makhdoom Ali Khan, learned Attorney General for Pakistan appeared on Court notice and submitted as follows:--

- i) The Court cannot be estopped to examine the constitutionality of Section 2-A of the STA, 1973, at a belated stage because in the earlier judgments cited at the bar, its vires on the touchstone of the Constitution were not examined, therefore, if this Court comes to the conclusion that it is unconstitutional, the same can be declared as such, notwithstanding the fact that the law has worked for a long time.

Reliance in this behalf has been placed on **Mr. Fazlul Quader Chowdhry v. Mr. Muhammad Abdul Haque** (PLD 1963 SC 486) and **Thomas Cole Contech v. Queen** (PLD 1957 PC 112).

- ii) It is not necessary for the Court to wait for an occasion that some one must challenge the constitutionality of a law. The Court can examine the validity/ constitutionality of the statutory provision, itself when it comes to its notice or it has been

brought into notice by the parties and mere passage of time is not a criteria for the validation of the constitutionality of law.

In this behalf reliance has been placed by him on **Immigration and Naturalization Service v. Jagdish Rai Chandha** (462 US 919 [77 L Ed. 2d 317], **Abdullah Khan v. Nisar Muhammad Khan** (PLD 1965 SC 690) and **Board of Intermediate and Secondary Education v. Salma Afroze** (PLD 1992 SC 263).

- iii) If this Court comes to the conclusion that Section 2-A of the STA, 1973 is violative of any of the provisions of the Constitution, other than the chapter relating to fundamental rights, then the law is to be struck down and the declaration would be considered retrospective. It will not protect the pending proceedings.

In this behalf he relied upon **Ghulam Qadir v. The State** (PLD 1959 SC 387), **Constitution of Canada by Hog at page 1241, Fundamental Law of Pakistan** by A.K. Brohi (page 591).

- iv) If the Court strikes down Section 2-A of the STA, 1973, being contrary to the Constitution, the workers of autonomous bodies, etc. shall avail forum of the Labour Courts and ultimately come to this Court under Article 185(3) of the Constitution. Under this provision, the threshold requirement is much lower than that of Article 212 of the Constitution.
- v) The employees who are in the Corporation service and whose terms and conditions of service are statutory, would be entitled to remedy in the form of a Constitution Petition and the third category, where rules of service are not statutory in nature, they can file a suit for recovery of damages. Besides, it is a cardinal principle of legal jurisprudence that mere change of a forum itself does not give rise to any vested right.

Reference in this behalf can be made to **Inamur Rehman** (ibid).

- vi) Examining Section 2-A of the STA, 1973 on the touchstone of Articles 212, 240 and 260 of the Constitution, one can conclude that the law under examination has only provided a forum and

not the procedure of appointment, etc. therefore, it being contrary to the Constitution deserves to be struck down.

- vii) Article 260 of the Constitution, while defining the expression ‘service of Pakistan’, does not provide that ‘any person employed’, rather it deals with the persons who are in service of Pakistan, in connection with the affairs of the Federation. The words “affairs of the Federation” have to be interpreted in the sense that there must be some role in the performance of the sovereign functions of the State and in absence of that a person cannot be said to be employee in the affairs of the Federation.

Reference in this behalf can be made to **Salahuddin v. Frontier Sugar Mills and Distillery Ltd.** (PLD 1975 SC 244) and **Aitchison College v. Muhammad Zubair** (PLD 2002 SC 326).

- viii) Definition of ‘civil servant’ under Section 2(1)(b) of the CSA, 1973 had made number of exclusions, enumerated therein in clauses (i), (ii) and (iii), and this has been done deliberately because the persons of such categories do not fulfill the requirement of ‘in the service of Pakistan in connection with the affairs of the Federation’, under Article 260.

In this behalf he relied upon **Employees’ Old Age Benefit Institution v. N.I.R.C.** (1988 SCMR 765) and **Province of Punjab v. Punjab Labour Appellate Tribunal** (2002 SCMR 836).

- ix) The words employed in Article 260 of the Constitution i.e. “and any other service declared to be service of Pakistan by or under the Act of [Majlis-e-Shoora (Parliament)] are required to be interpreted in the perspective of Article 260 of the Constitution.

While quoting an example whether the Legislature can declare the service of a person in domestic employment to be the service of Pakistan or holding a post or office in connection with the affairs of Federation, he argued that such expression must be read in the context of the Article 260 of the Constitution.

In order to reinforce his above contention, he relied upon **Don Basco High School v. The Assistant Director E.O.B.I.**

(PLD 1989 SC 128), **Al-Jehad Trust v. Federation of Pakistan** (PLD 1996 SC 324), **Farooq Ahmed Khan Leghari v. Federation of Pakistan** (PLD 1999 SC 57) and **Reference No.2 of 2005 by the President of Pakistan (Hisba)** (PLD 2005 SC 873).

- x) This Court in so many cases has made distinction between ‘service of Pakistan’ and ‘service of a Corporation’ with reference to the provisions of Article 63 of the Constitution. [disqualification of membership of Majlis-e-Shoora (Parliament)].

In support of above contention he relied upon **Adil Abdul Jabbar v. Chairman Sindh Labour Appellate Tribunal** [2005 PLC (CS) 956].

- xi) A person, in absence of a statute or statutory rules, governing the terms and conditions of his service, is not permitted by the Constitution to approach this Court under Article 212.

He relied upon **Muhammad Shahbaz Sharif v. Muhammad Altaf Hussain** (PLD 1995 Lahore 541), **Registrar, Supreme Court of Pakistan v. Wali Muhammad** (1997 SCMR 141) and **Muhammad Siddique v. Lahore High Court** (PLD 2003 SC 885).

- xii) Under a deeming clause, a person covered by Section 2-A of STA, 1973 cannot be declared as civil servant, unless the nexus can be brought within the scope of a civil service and at least it should have some relevancy with the context.

Reference in this behalf can be made to **Commissioner of Sales Tax v. Hunza Central Asian Textile and Woollen Mills Ltd.** (1999 SCMR 526), **Sheikhoo Sugar Mills Ltd. v. Government of Pakistan** (2001 SCMR 1376).

19. Malik Muhammad Qayyum, learned ASC contended that :-

- a) Section 2-A does not cover the employees whose terms and conditions are not governed by the statutory provisions of law qua the employees who fall within the definition of civil servant under the CSA, 1973 and those employees whose terms and

conditions are regulated by statute, have the remedy before the Service Tribunal and by invoking the jurisdiction of the High Court under Article 199 of the Constitution, therefore, they ought to seek remedy under the Labour Laws.

- b) Section 2-A of the STA, 1973 has conferred jurisdiction upon the Service Tribunal, in respect of matters of the employees covered by it, being a procedural law but such jurisdiction cannot be exercised unless the terms and conditions have been regulated by a statute or statutory rules.
- c) For the purpose of considering a person, covered by Section 2-A of the STA, 1973, falling within the definition of civil servant, it is necessary that conditions laid down under Articles 240 and 260 of the Constitution must exist; firstly it should be a service of Pakistan actually and not by a deeming fiction; secondly, the terms and conditions of such employee must be laid down under the Act of Parliament.
- d) The intention of Legislature in enacting Section 2-A of the STA, 1973 was not to place the employees covered by it at a pedestal higher than that of a civil servant, including those who are employed on contractual basis and allowing remedy to the workers/labourers before the Service Tribunal merely by incorporating a deeming clause therein. In order to reinforce his arguments, he relied upon Mehreen Zaibun Nisa (ibid).

20. Mr. Kamal Azfar, ASC contended that :--

- i) That the amendment introduced by Section 2-A of the STA, 1973 only relates to the change of forum but they do not alter the terms and conditions of the service of the employees, therefore, the employees whose terms and conditions are not defined by a statutory provision cannot avail of remedy before the Service Tribunal and they must avail of remedy before a forum other than the Service Tribunal.

21. Khawaja Muhammad Farooq, learned ASC argued that:--

- a) Without complying with the provisions of Article 240 of the Constitution, a person cannot be declared to be in the service of Pakistan, therefore, by granting a fictional status under Section

2-A of the STA, 1973, status of a civil servant cannot be granted to State managed Corporations employees, therefore, Section 2-A of the STA, 1973 be declared ultra vires of the Constitution.

- b) Section 2-A of the STA, 1973 also does not qualify the test laid down under Article 260 of the Constitution with reference to the definition of “service of Pakistan”, therefore, for this reason as well, it being a law contrary to the Constitution may not be allowed to hold the field any longer.
- c) Assuming that by means of a declaration, persons covered by Section 2-A are deemed to be in service of Pakistan, for limited purpose, amendment in the definition of civil servant under Section 2(1)(b) of the CSA, 1973 was necessary.
- d) As the terms and conditions of the persons, covered under Section 2-A remained same in view of the law laid down by this Court in the case of **Qazi Wali Muhammad** (ibid), applicable prior to amendment, they cannot invoke the jurisdiction of Service Tribunal for the redressal of their grievance in view of a deeming clause incorporated therein.
- e) This Court, time and again, has held that where rules of service of Corporation are not statutory, only remedy available to such employees of the Corporation is to claim damages and not reinstatement.

In this behalf he relied upon number of judgments starting from **Lahore Central Co-operative Bank Ltd. v. Saif Ullah Shah** (PLD 1959 SC 210) and **United Bank Ltd. v. Shahmim Ahmed Khan** (PLD 1999 SC 990).

22. Ch. Mushtaq Ahmed Khan, learned Sr. ASC contended that :--

- i) Section 2-A of the STA, 1973 is not in consonance with the provisions of Articles 240 and 260 of the Constitution, therefore, for the purpose of filing an appeal before a forum, a person cannot be treated as civil servant under this Section.
- ii) The provisions of Section 2-A of the STA, 1973 are against the principles of State Policy under Article 37 of the Constitution, which caste duty upon the State to provide inexpensive and

speedy justice, therefore, clustering of litigation before one Tribunal, which is mostly working in Islamabad has created a lot of problems for the employees who do not fall within the definition of civil servant, therefore, it requires to be declared as ultra vires of the Constitution.

23. Mr. Alamgir, ASC contended that :--

- a) Employees of the Private Companies cannot be considered to be civil servants, therefore, declaration in this behalf is required to be made, otherwise Federal Service Tribunal has taken up the cases of such employees as well, contrary to law.

24. Mr. Shahid Anwar Bajwa, learned ASC argued that :--

- i) Article 260 of the Constitution talks about three kinds of service; (1) service in connection with the affairs of Federation; (2) service in connection with the affairs of Province; and (3) service declared by the law to be service of Pakistan; but it does not deal with the post or the office for declaring the same to be service of Pakistan, whereas Article 240 of the Constitution deals in respect of categories of the service noted herein above at No. (1) and (2), therefore, the Legislature cannot declare a person to be civil servant by introducing a deeming clause. Thus, it being contrary to the Constitution deserves to be struck down.
- ii) First part of Section 2-A of the STA, 1973 declares service to be service of Pakistan and according to its second part, a person holding a post shall be deemed to be civil servant, whereas Article 260 of the Constitution speaks of declaring a service to be a service of Pakistan. Article 260 of the Constitution authorizes Majlis-e-Shoora (Parliament) to declare a service to be service of Pakistan but it does not enjoy any power to declare a post or office in connection with the affairs of Pakistan. Conversely, Article 240(a) of the Constitution lays down that conditions of service of a person in the service of Pakistan shall be determined in the case of service of the Federation, posts in connection with the affairs of the Federation and All-Pakistan Services, by or under Act of [Majlis-e-Shoora (Parliament)]. It

does not speak in respect of office, therefore, second part of Section 2-A is ultra vires of the Constitution.

25. Raja Muhammad Akram, ASC contended that :--

- a) Section 2-A of the STA, 1973 is intra vires of the Constitution so far it deals with the persons, whose terms and conditions have been laid down by statutory provisions and it is ultra vires in respect of persons who do not enjoy such status.
- b) The Service Tribunal is performing functions of judicial forum and against judgments/ orders of the Tribunal, appeal by leave of the Court is competent before this Court, therefore, appointment of its Chairman and the Members should be made with the consent of the Supreme Court of Pakistan to ensure the independence of Tribunal.
- c) STA, 1973 does not lay down the terms and conditions of the Members of the Service Tribunal, therefore, directives be issued to the Federal Government to prescribe their terms and conditions including qualifications for their appointment to the Service Tribunal.
- d) The persons, working in Corporation, as per the provisions of Section 2-A of the STA, 1973, cannot be considered to be civil servants as it would defeat their fundamental right to form association and trade union under Article 17 of the Constitution and consequential benefits arising therefrom in terms of IRO, 2002.
- e) Article 212 of the Constitution provides that the jurisdiction with regard to the matters relating to the terms and conditions of the persons, who are or have been in the service of Pakistan, including disciplinary matters shall exclusively vest in the Tribunal, whereas in the case of worker and the workman, whose terms and conditions are governed under IRO, 2002 cannot be deemed to be a person holding a post under the Authority or Organization as mentioned in Section 2-A. Thus such declaration being void deserves to be declared ultra vires of the Constitution.

- f) So far as the workman or worker are concerned, Labour Laws i.e. IRO, 2002 being a special law, prevails over the general law, as held in **I.G. of Police Punjab v. Mushtaq Ahmad Warraich** (PLD 1985 SC 159) and **Neimat Ali Goraya v. Jaffar Abbas, Inspector/Sargeant Traffic** (1996 SCMR 826).

26. Raja Muhammad Bashir, ASC argued that :--

- i) Section 2-A of the STA, 1973 can be saved by interpreting it in the manner that so far it deals with the persons whose services are regulated by the statutory provisions; they can be deemed to be civil servants, therefore, to their extent it is valid law. Whereas in respect of others, whose terms and conditions of service are not governed by a statutory provision, it is contrary to the Constitution and deserves to be struck down partially.

27. M/s Hafiz S.A. Rehman ASC, Barrister Ch. Muhammad Jamil ASC, Ch. Zafar Farooq, ASC, Dr. Sohail Akhtar ASC, Raja Abdul Ghafoor ASC, Qamar-uz-Zaman ASC, Abdul Karim Kundi ASC, M.Bilal Sr. ASC, Ch. Mushtaq Masood ASC, Noor Muhammad Chandia ASC, Mian Abdul Rauf ASC and Raja Sher Muhammad Khan ASC adopted the arguments, advanced by learned Attorney General for Pakistan.

28. Mrs. Naheeda Mehboob Ellahi, learned Deputy Attorney General for Pakistan appeared on behalf of Federation of Pakistan and filed the following statement :--

“As desired by this Hon’ble Court, the undersigned contacted the Ministry of Law, Justice & Human Rights to seek specific instructions regarding the stand of the Federal Government. I have been instructed to state as follows:-

- i) That the vires of the legislation is a matter of this Hon’ble Court.
- ii) The Federal Government, is however, examining reviewing this legislation in view of the implications that it has given rise to.

Sd/-

Nahida Mehboob Ellahi,
Deputy Attorney General for Pakistan.”

29. It would be appropriate to observe that in 1973, the Civil Servants Act, 1973 (Act No.LXXI of 1973) [herein after referred to as “CSA, 1973’] was promulgated with the following preamble:--

“Whereas it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in the service of

Pakistan, and to provide for matters, connected therewith or ancillary thereto;”

Section 2(1)(b) of the CSA, 1973 defines ‘civil servant’ as under:--

“Civil servant means a person who is a member of an All Pakistan Service or of a civil service of the Federation, or who holds a civil post in connection with the affairs of the Federation, including any such post connected with defence, but does not include:--

- i) a person who is on deputation to the Federation from any province or other authority;
- ii) a person who is employed on contract, or on work-charged basis or who is paid from contingencies; or
- iii) a person who is a “worker” or “workman” as defined in the Factories Act, 1934 (XXV of 1934), or the Workman’s Compensation Act, 1923 (VII of 1923).

In the above definition of the civil servant, the expression “All Pakistan Service or of a civil service of Federation” has been included, therefore, Section 5 of CSA, 1973 defines the competent authority for appointment. According to which “ Appointments to an All-Pakistan Service or to a civil service of the Federation or to a civil post in connection with the affairs of the Federation, including any civil post connected with defence, shall be made in the prescribed manner by the President or by a person authorized by the President in that behalf.” To meet the requirements of this provision of law, Federal Public Service Commission Ordinance, 1977 was promulgated in pursuance whereof the Commission was authorized to conduct tests and examinations for recruitment of persons other than officers of the Armed Forces of Pakistan, etc.

30. At this juncture it may be observed that in the same year i.e. 1973, the Service Tribunals Act, 1973 (Act LXX of 1973) was promulgated with the following preamble :--

“Whereas it is expedient to provide for the establishment of Administrative Tribunals, to be called Service Tribunals, to exercise exclusive jurisdiction in respect of matters relating to the terms and conditions of civil servants, and for matters connected therewith or ancillary thereto.”

Section 2(a) defines the “civil servant” as follows:--

“ civil servant means a person who is, or has been, a civil servant within the meaning of the Civil Servants Act, 1973 (LXXI of 1973); and shall include a person declared to be a civil servant under Section 2(a);”

31. Essentially, the CSA, 1973, containing the definition of “civil servant” was promulgated in pursuance of command of Article 240 of the Constitution of Islamic Republic of Pakistan, 1973 [herein after referred to as “the Constitution”], which reads thus:---

“240. Subject to the Constitution, the appointments to and the conditions of service of persons in the service of Pakistan shall be determined –

- (a) In the case of the services of the federation, posts in connection with the affairs of the Federation and All-Pakistan Services, by or under Act of [Majlis-e-Shoora (Parliament)]; and
- (b) In the case of services of a Province and posts in connection with the affairs of a province, by or under Act of the Provincial Assembly.

Explanation. – In this Article, “All Pakistan Service” means a service common to the Federation and the Provinces, which was in existence immediately before the commencing day or which may be created by Act of [Majlis-e-Shoor (Parliament)].

32. Obviously, the Administrative Tribunals were constituted under Article 212 (1)(a) of the Constitution. An appeal against their orders/judgments with the leave of the Court has been provided under sub-Article (3). For convenience same is reproduced herein below:--

“212. (1) Notwithstanding anything herein before contained the appropriate Legislature may by Act [provide for the establishment of] one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of –

- (a) Matters relating to the terms and conditions of persons [who are or have been] in the service of Pakistan, including disciplinary matters;
- (b)
- (c)

(2)

(3) An appeal to the Supreme Court from a judgment, decree, order or sentence of an Administrative Court or Tribunal shall lie only if the Supreme Court, being satisfied that the case involves a substantial question of law of public importance, grants leave to appeal.

33. Perusal of the above definition of ‘civil servant’ reproduced earlier indicates that at least three types of persons were excluded from the definition of ‘civil servant’; firstly, those who are on deputation to the Federation from any Province or other authority; secondly, who are employed on contract, or on work-charged basis or who are paid from contingencies; and thirdly who are ‘workers’ or ‘workmen’ as defined in the Factories Act, 1934 (XXV of 1934), or the Workmen’s Compensation Act, 1923 (VIII of 1923).

34. This Court, right from 1973, when the CSA, 1973, was promulgated, had examined the definition of ‘civil servant’ in a number of cases, with reference to Section 5 of the CSA, 1973. Reference, however, may be made to the case of **Mrs. M.N. Arshad v. Miss Naeem Khan** (PLD 1990 SC 612). Relevant para therefrom is reproduced herein below for convenience :--

“7. A perusal of the above-quoted definition of the term ‘civil servant’ indicates that it includes a person, who is (i) a member of All Pakistan services or (ii) is a civil servant of the Federation or (iii) holds a civil post in connection with the affairs of the Federation including any such post connected with defence but does not include the persons mentioned in sub-clauses (i) and (ii) to the above clause (b), whereas the above quoted section 5 provides that the appointment to the above three categories of the persons shall be made in the prescribed manner by the President or by a person authorized by the President in that behalf. It may also be pointed out that the above-quoted section 7 of the Ordinance provides that the test and examinations for recruitment of the above three categories of persons referred to in the above clause (b) and section 5 of the Act are to be conducted as may be prescribed by rules made under Section 10 of the Ordinance. We may observe that the learned ASC has not been able to point out any rules, requiring the junior teachers to appear in the Federal Public Service Commission examination. In any case this is not the point in issue. The controversy is, as to whether respondent No.1 falls in any of the above three categories of persons, who have been defined as civil servants. Admittedly the Federation has established inter alia the college in Islamabad, which is the capital of the Federation. This has been done in the discharge of its constitutional and/or statutory obligation as a State. In the capital of the Federation, the Federal Government discharges dual functions namely, of the Federal Government and of the Provincial Government. In the above background, it cannot be denied that respondent No.1 holds a civil post in connection with the affairs of the Federation. The Tribunal has dilated upon the above question exhaustively and has pointed out the factum that the schools and colleges were constructed by the Federation and even annual budget is provided by the Federation.”

The above view has been reaffirmed in **Saeed Rabbani v. Director-General Leather Industry Development Organization** (PLD 1994 SC 123), **Chairman, Pakistan Broadcasting Corporation v. Nasir Ahmad** (1995 SCMR, 1593), **Dr. Rashid Anwar v. Federation of Pakistan** (1996 SCMR 1572) and **Managing Committee, P.A.F. v. Muhammad Pervaiz Akhtar** (1997 SCMR 1957). It may be noted that in last mentioned case, the teachers of PAF Model Inter-College were declared to be ‘civil

servants’ and with the majority opinion, the appeal filed by the Managing Committee, PAF Model Inter-College was dismissed. **[Implications/reflections of the ratio decidendi of this case shall be examined in depth at a later stage while disposing of Civil Appeals, which pertains to School Teachers of PAF].**

35. From perusal of the definition of ‘civil servant’ in Section 2(1)(b) of the CSA, 1973, it emerges that in order to attain the status of a ‘civil servant’ it is necessary that the person should be member of All Pakistan Service or of a civil service of the Federation, or who holds a civil post in connection with the affairs of the Federation. There may be some employees who fall within the definition of ‘civil servant’ for the purpose of STA, 1973 but do not enjoy the status of All Pakistan Service or of a civil service of the Federation. Both these expressions are not synonymous, as declared by this Court in the case of **Registrar, Supreme Court of Pakistan v. Wali Muhammad** (1997 SCMR 141). Relevant para therefrom is reproduced herein below:--

“We would like to mention here that from the trend of arguments at the bar it appeared that two expressions ‘service of Pakistan’ and ‘Civil servants’ were treated as synonymous. This in our opinion is not so. Service of Pakistan is defined in Article 260 of the Constitution as meaning, any service, post or office in connection with the affairs of Federation or a Province. This expression also includes an All Pakistan Service and service in the Armed Forces or any other service declared under an Act of the Parliament or a Provincial Assembly as Service of Pakistan. The terms ‘Civil Servant’ is defined in the Civil Servants Act 1973 as a person, who is a member of an All Pakistan Service or of a civil service of the Federation or a person holding a civil post in connection with the affairs of Federation, including a civil post connected with the defence. However, a person on deputation to the Federation from any Province or other authority, a person who is employed on a contract or on work-charge basis who is paid from contingencies and a person who is ‘worker’ or ‘workman’ as defined in the Factories Act, 1934 or the Workmen’s Compensation Act, 1923, are expressly excluded from the category of ‘Civil Servant’. On a careful examination of the definitions of ‘Service of Pakistan’ as given in Article 260 of the Constitution and the ‘Civil Servant’ as mentioned in Civil Servants Act, 1973, it would appear that the two expressions are not synonymous. The expression ‘service of Pakistan’ used in Article 260 of the Constitution has a much wider connotation than the term ‘Civil Servant’ employed in the Civil Servants Act. While a ‘Civil Servant’ is included in

the expression 'Service of Pakistan', the vice versa is not true. 'Civil Servant' as defined in the Civil Servants Act, 1973 is just a category of service of Pakistan mentioned in Article 260 of the Constitution. To illustrate the point, we may mention here that members of Armed Forces though fall in the category of 'Service of Pakistan' but they are not civil servants within the meaning of Civil Servants Act and the Service Tribunals Act. The scope of expression 'service of Pakistan' and 'Civil Servants' came up for consideration before this Court in the case of Syed Abida Hussain v. Tribunal for N.A. 69 (PLD 1994 SC 60). In that case the petitioner was disqualified from contesting the general elections of 1993 on the ground that she was a person who held the office of profit in the Service of Pakistan. It was contended by the petitioner in that case that she was appointed as an Ambassador on contract for two years and as a person employed on contract was specifically excluded from the definition of civil servant the petitioner could not be disqualified. The contention was repelled by this Court in the above case as follow:-

"6. It is difficult to subscribe to the contention of the learned counsel. The expression 'service of Pakistan' has been defined in Article 260(1) of the Constitution. It reads as follows:--

means any service, post or office in connection with the affairs of the Federation or of a Province, and includes an All Pakistan Service, service in the Armed Forces and any other service declared to be a service of Pakistan by or under Act of Majlis-e-Shoora (Parliament) or of a Provincial Assembly, but does not include service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Minister of State, Chief Minister, Provincial Minister, Attorney-General, Advocate General, Parliamentary Secretary or Chairman or Member of a Law Commission, Chairman or Member of the Council of Islamic Ideology, Special Assistant to the Prime Minister, Advisor to the Prime Minister, Special Assistant to the Chief Minister, Adviser to a Chief Minister or Member of a House or a Provincial Assembly;"

Learned counsel for the petitioner rightly concedes that the post of an Ambassador is a post in connection with the affairs of the Federation. It will be seen that the definition does not take notice of the manner in which a post in connection with the affairs of the Federation or a Province may be filled. Thus so far as the inclusion of the post in the service of Pakistan is concerned, it is immaterial whether the holder thereof has come to occupy it through a special contract or in accordance with the recruitment rules framed under the Civil Servants Act: consequently, the mere fact that a person is not a civil servant within the meaning of the Civil Servants Act would not put him beyond the pale of the said Constitutional definition. The contention that the case of the petitioner was covered by sub-clause (n) *ibid*, is entirely misconceived as *ex facie* it does not apply to situations where the relationship of master and servant exists between the parties. Here the petitioner was a wholetime employee of the Government and except for matters, which were specifically provided in the letter of appointment she was governed by the ordinary rules of service applicable to the civil servants. It may perhaps be of interest to mention here that these rules were framed in pursuance of the provision of Article 240 *ibid*. Thus the assertion on her behalf that while serving as an Ambassador

she could not be treated as one in the service of Pakistan merely because her appointment to the post owed its origin to a special contract cannot be accepted. Admittedly, a period of two years has not passed since she relinquished charge of the said post. Therefore, she has been rightly held to be suffering from the disqualification laid down in clause (k) *ibid*. We find no merit in this petition. It is hereby dismissed.

For the above discussion, it is quite clear that a person may be in the service of Pakistan but for that reason he cannot be classed as a ‘Civil Servant’ as well, as defined in the Civil Servants Act. The Service Tribunal established in pursuance of Article 212 of the Constitution has been conferred exclusive jurisdiction only in respect of the dispute relating to terms and conditions of the service of a ‘Civil Servant’ as defined under the Civil Servants Act, 1973 and as such the jurisdiction of the Tribunal could not be extended to any other category. “

36. It is important to note that in the above judgments, for all intents and purposes, a person on deputation to the Federation from any Province or other authority, or a person who is employed on contract or work charge basis and is paid from contingencies and a person who is a ‘worker’ or ‘workman’ as defined in Factories Act, 1934 or the Workmen’s Compensation Act, 1923 has been expressly excluded from the definition of civil servant as defined in CSA, 1973. It is also important to note that in the judgments noted herein above, none of the employees was on contract or deputation or workman and as their terms and conditions were laid down under Article 260(1) of the Constitution, therefore, they were declared to be ‘civil servant’ Reference at this stage to **Syeda Abida Hussain v. Tribunal for N.A. 69, Jhang** (PLD 1994 SC 60), would not be out of context. In the case of **Qazi Wali Muhammad** (*ibid*), relevant para of which has been reproduced herein above, this case has also been referred. In this case an Ambassador, on having qualified both the conditions of service of Pakistan and performing duties in connection with the affairs of the Federation, was found to be a ‘civil servant’. In fact, both these judgments i.e. **Qazi Wali Muhammad** (*ibid*) and **Syeda Abida Hussain** (*ibid*) clearly lay down the criteria for the purpose of treating a person to be a member of All Pakistan Service or of a civil service of the Federation, or who holds a civil post in connection with the affairs of the Federation, etc.

37. Thus, in view of ratio decidendi of the above judgments, it can be held that a worker or a workman as defined in Factories Act, 1934 or the Workmen’s Compensation

Act, 1923, notwithstanding the fact that the controlling share in the industry vests in the Federal Government, shall not be treated as civil servant. Similarly, persons on contract, even though discharging their functions in connection with the affairs of the Federation and likewise, as well as the deputationists from the Provinces to the Federal Government have not been granted protection of CSA, 1973, therefore, they were excluded from the definition of ‘civil servant’ and as per terms and conditions of the person of later category, laid down in CSA, 1973 they shall not be entitled to approach the Service Tribunal, established under Article 212 of the Constitution. It may be noted that this Court in the case of **Qazi Wali Muhammad** (ibid), has crystallized the proposition, leaving no ambiguity in respect of ‘civil servant’ or other persons, as per Section 2(1)(b)(i), (ii) and (iii) of the CSA, 1973 to avail remedy before the Service Tribunal in respect of their terms and conditions, being in the service of Pakistan, including disciplinary matters, as per the mandate of Article 212(1) of the Constitution.

38. It is important to note that enactment of Section 2-A of the STA, 1973 is not new to statutory regime. In this behalf, presently there are two identical provisions of law, one by Federal Legislature and one by Provincial Legislature of Sindh on the subject, implication of which will be discussed herein below. In pursuance of West Pakistan Water and Power Development Authority (Amendment) Act, 1975, (Ordinance No. LXXXIV of 1975), the West Pakistan Water and Power Development Authority (Amendment) Ordinance XVI of 1975 was amended and Section 17(1-B) of the Pakistan Water and Power Development Authority Act, 1958, was added. For the sake of convenience same is reproduced herein below:--

“[(1-B) Service under the Authority is hereby declared to be service of Pakistan and every person holding a post under the Authority, not being a person who is on deputation to the Authority from any Province, shall be deemed to be a civil servant for the purposes of the Service Tribunals Act, 1973 (LXX of 1973).]

39. Perusal of Section 17(1-B) indicates that service under the Authority was declared to be service of Pakistan and every person holding a post under the Authority, except those who are on deputation to the Authority from the Province, were deemed to be ‘civil

servants' for the purpose of STA, 1973. Significance of the amendment is that holder of a post under the Authority was declared to be in the Service of Pakistan. This Court, in the case of **WAPDA v. Muhammad Arshad Qureshi** (1986 SCMR 18) examined the provisions of Section 17(1-A), (1-B) and (1-C) of the WAPDA Act, 1958 alongwith Sections 4 & 6 of the STA, 1973 (Act LXX of 1973) and held that jurisdiction of the Service Tribunal itself shall not be affected. Again this view was reaffirmed in the case of **WAPDA v. Agha Nazim Ali** (1986 SCMR 574). Similar view was reiterated in the case of **WAPDA v. Javaid Ahmad** (1989 SCMR 1068). Subsequent thereto, in the case of **Project Director Ghotki, (WAPDA) v. Commissioner, Workmen's Compensation Authority for the Payment of Wages Act** (PLD 1992 SC 451), leave to appeal was granted to examine the question of law "whether the respondents were employees of WAPDA and as such in the service of Pakistan and their grievance, if any, could be redressed by the Service Tribunal and not by the Commissioner Workmen's Compensation and Authority under Payment of Wages Act." In this case, facts were that respondents were appointed as work charge employees in the projects known as 'Salinity, Control and Reclamation Project (SCARP). On completion and successful running of the Project, these were handed over to the Government of Sindh alongwith the staff, which opted for such transfer. The Government of Sindh took them to be fresh appointees, regular in nature, and the WAPDA took the transfer as termination of their appointment with it. In this background, affected employees approached the Commissioner Workmen's Compensation and Authority under the Payment of Wages Act, claiming gratuity, pay etc. in lieu of earned leave and notice pay. The question of jurisdiction was seriously raised but was repelled and the Authority granted them relief. This order was challenged before the High Court by invoking its constitutional jurisdiction but without any success as the High Court declined to grant relief. Consequently, the matter came up for consideration before this Court and the proposition was answered as follows:--

"9. In the position of work charge establishment under the Authority the respondents would undoubtedly be treated as in the service of Pakistan but not everyone in the service of Pakistan is a civil servant for the purposes of the Service Tribunals Act. In the Service Tribunals Act itself and in the

Civil Servants Act ‘civil servant’ has been so defined as to exclude workmen. That apart, for the purposes of the Service Tribunals Act only such of the employees of the WAPDA could be treated as civil servants who were holding a post under the Authority. Work charge establishment as such holds no post hence they cannot for the purposes of Service Tribunals Act be treated as civil servants. In the absence of their being civil servants, the remedy lay before the forum other than the Service Tribunal. If they fell in the definition of ‘workmen’ the authorities providing them the redress were the appropriate authorities and there was no exclusion of their jurisdiction in the case.”

40. Later on, in the case of **WAPDA v. Muhammad Ashraf Naeem** (1997 SCMR 1128) this Court had an occasion to examine whether West Pakistan (Industrial and Commercial Employment) Standing Orders Ordinance, 1968 would be applicable to the employees of WAPDA, notwithstanding the proviso to Section 1(4)(c) of the West Pakistan WAPDA Act 1958, and the proposition was answered as follows:---

“9. This provision of law is in two parts. By the first, service under the Authority has been declared to be a service of Pakistan. The second part, which is distinct from the first is that every person holding a post under the Authority of the type described shall be deemed to be a civil servant for the purposes of the Service Tribunals Act, 1973. The result of this bifurcation is that the employee shall be deemed to be in service of Pakistan but not necessarily a civil servant as defined in the Civil Servants Act. If the respondent stands excluded from the definition of the civil servant as contained in the Civil Servants Act, then the statutory provision made for the civil servants will not apply. In the case in hand, it appears that the respondent is excluded from the definition of employee under the Workmen’s Compensation Act, 1923 [clause (xix) to Schedule II] whereby persons connected with the generation, transformation and supply of electricity are to be treated as workmen for the purposes of Workmen’s Compensation Act. (underlined by us to supply emphasis)

41. Whereas in the case of **Wasim Ahmed Khan v. WAPDA** (1997 SCMR 2000), once again the employees of WAPDA, holding post under the Authority, were deemed to be in service of Pakistan, for the purposes of STA, 1973, therefore, it was held that “removal or termination of service of such employee, falling within the mischief of Section 17(1-A) of the Act, could not be called into question under Industrial Relations Ordinance, 1969 or the Essential Services (Maintenance) Act, 1952, or under any law for the time being in force, before any Court, tribunal or commission”. In the case of

Chairman, WAPDA v. Abdul Hafeez Khan (2000 SCMR 1734), it was ruled by this Court that “every person holding a post under the WAPDA, not being a person who was on deputation to the Authority from any province, was to be deemed to be a civil servant for the purposes of the Service Tribunals Act, 1973”. Again in the case of **Muhammad Ibrahim Mangrio v. Chairman WAPDA** (2001 SCMR 848) this Court examined the question “as to what is the rationale behind the legislative move in relation to employees of WAPDA in the context of the Constitutional mandate, contained in Articles 260, 240 and 212 of the Constitution” and answer to the query was that “it is an admitted position that the provisions contained in Section 17(1-B) (ibid) are tantamount to making the declaration by the Legislature to the effect that the petitioners were in the ‘service of Pakistan and deemed to be civil servants for the purposes of Section 4 of the Service Tribunals Act (No.LXX of 1973).

42. Now it would be appropriate to note that earlier to promulgation of Section 2-A of the STA, 1973, by a legal fiction, Legislature similarly conferred status of ‘civil servant’ upon the employees of Corporation, etc. by means of Corporation Employees (Special Powers) Ordinance, 1978 (Ordinance No.XIII of 1978). Sections 3 and 5, being relevant are reproduced herein below for convenience sake:--

“3. Notwithstanding anything contained in any law for the time being in force, or in the terms and conditions of service, a person in Corporation service appointed or promoted during the period from the first day of January, 1972, to the fifth day of July, 1977, may be removed from service or reverted to his lower post or grade, as the case may be, without notice, by the President, or a person authorized by him in this behalf, on such date as the President, or as the case may be, the person so authorized may, in the public interest, direct.

4.

5. Service of a Corporation is hereby declared to be service of Pakistan and every person in Corporation service who is removed from service or reverted to a lower post or grade, under this Ordinance, not being a person who is on deputation to a Corporation from any Province, shall be deemed to be a civil servant for the purpose of the Service Tribunals Act, 1973.”

43. It may be noted that action against the employees of a Corporation was not intended to be taken generously but only in respect of those who were inducted into

service from the first day of January, 1972 to the fifth day of July 1977, and were to be removed from service or reverted to lower post or grade, as the case may be, without notice, by the President or a person authorized by him in this behalf, on such date as the President, or as the case may be, the person so authorized may, in the public interest, direct. In order to provide remedy to such like persons, they were deemed to be ‘civil servants’ for the purpose of STA, 1973. It appears that said Ordinance was promulgated for limited purposes, therefore, had not covered the cases of all those employees, who were in the Corporation service or institutions, set up, established, managed or controlled by the Federal Government. [Section 2 of the Ordinance No.XIII of 1978]. The implication of Sections 3 and 5 of the Ordinance No.XIII of 1978 were examined by this Court in the cases of **Mabood Khan v. Agricultural Development Bank of Pakistan** (1989 SCMR 41) and **Mehdi Khan v. Islamic Republic of Pakistan** (1989 SCMR 345). For reference sake, relevant para from the case of **Mabood Khan** (ibid) is reproduced herein below:--

“5. Being not earlier to the Ordinance, in service of Pakistan, the President could not exercise in respect of such employees any power relating to the terms and conditions of their Service. Declaration by law of “any other service” as declaration having been made by section 5 of the Ordinance, the President acquired the power reserved in Article 240, by Section 3 of the Ordinance. Reading Section 5 of the Ordinance, alongwith the Constitutional provisions just reproduced, it follows that in declaring the ‘person in Corporation service’ to be ‘in service of Pakistan’, power under Article 240 of the Constitution was acquired by the President for determining their conditions of service. Nothing beyond should be read into that declaration. Next follows in section 5 of the deeming provision whereby those employees who have been dealt with under Section 3 have been provided relief/remedy in the Service Tribunal. The deeming clause is available only to those who are proceeded under Section 3 of the Ordinance and none else. On that view of the matter, as in this case action had not been taken under the Ordinance, the petitioner would not be deemed to be a civil servant for the purposes of Civil Servants Act or Service Tribunals Act. Therefore, Article 212 of the Constitution was not a bar to the petitioner seeking relief from the High Court, in its constitutional jurisdiction.”

44. Likewise, in the case of Mehdi Khan (ibid), it was concluded that where an action is not taken under Section 3 of the Ordinance, the employees of the Corporation and those institutions controlled by the Government continue to be governed by their own terms and conditions as provided by or under any law or regulation. Therefore, Article 212 of the Constitution is not an impediment for them to seek relief from the High Court if they feel aggrieved by an illegal order of removal or dismissal or imposition of any other penalty by or under any law or regulation.

45. The Provincial Legislature of Sindh incorporated Section 3-E of the Sindh Service Tribunals Act, 1973, declaring “notwithstanding anything contained in any law, service of Corporation, to be the service of the Province and every person holding post in the Corporation, not being a person who is on deputation to the Corporation, shall, for the purpose of this Act, be deemed to be a civil servant”.

46. The above legislative history furnishes proof that by making declaration, Legislature is competent to declare an employee, under any Authority, Corporation, Body or Organization established by or under the Federal law, to be in the service of Pakistan, if he holds a post or office in connection with the affairs of the Federation or of a Province. Emphasis has been laid on the words “post in connection with the affairs of the Federation” as commonly used in Article 240 and 260 of the Constitution, with reference to appointment to service of Pakistan and conditions of service, and the definition of service of Pakistan.

47. Now in view of above discussion, it becomes necessary to examine relevant provisions of the Constitution, in pursuance of which Service Tribunals are established. In this behalf, Article 212 (1)(a) of the Constitution confers authority upon the appropriate Legislature to establish Administrative Courts and Tribunals. For convenience same is reproduced herein below:-

“**212. (1)** Notwithstanding anything herein before contained the appropriate Legislature may by Act provide for the establishment of one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of –

- (a) matters relating to the terms and conditions of persons who are or have been in the service of Pakistan, including disciplinary matters;

- (b)
- (c)

48. At this juncture, it may be noted that under Article 323-A of the Constitution of India, the Administrative Tribunals are established. The above said Article reads as under;---

“**323-A. Administrative Tribunals.** – (1) Parliament may, by law, provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any Corporation owned or controlled by the Government.”

49. It may be pertinent to note that in the above provision of the Constitution of India, the word “post’ has been used significantly. Now the stage is ready to examine the question of validity and vires of Section 2-A of the STA, 1973 on the touchstone of Article 212 and other provisions of the Constitution. Section 2-A of the STA, 1973 is reproduced herein below:-

“**2-A. Service under certain Corporations, etc. to be service of Pakistan.**
– Service under any authority, Corporation, body or organization established by or under a Federal law or which is owned or controlled by the Federal Government or in which the Federal Government has a controlling share or interest is hereby declared to be service of Pakistan and every person holding a post under such authority, Corporation, body or organization shall be deemed to be a civil servant for the purposes of this Act.”

50. A plain reading of above definition indicates that this provision has impliedly included in the definition of civil servant, such persons, who stand excluded by means of clauses (i), (ii) and (iii) of Section 2(1)(b) of the CSA, 1973. It may be recalled that there are a number of persons who are serving as deputationists, contingency staff as well as workmen in connection with the affairs of the Federation of Pakistan who could not otherwise avail remedy for the redressal of their grievance before the Service Tribunal but by enacting Section 2-A in STA, 1973, persons working under any authority, Corporation, body or organization established by or under a Federal law, etc. have been made eligible to seek remedy before the Service Tribunal, notwithstanding the fact whether they are workers, workmen, permanent or temporary, holding a post on contract,

etc. Prima facie, this provision of law, i.e. Section 2-A of the STA, 1973 has not advanced the cause of employees of Corporations, etc. by providing them remedy before the Service Tribunal because initially in the case of a Corporation/body, etc. if it has statutory backing, and rules are framed thereunder, its employees other than the workers, used to invoke the jurisdiction of the High Court under Article 199 of the Constitution i.e. a remedy which is always considered to be speedy, expeditious and in-expensive; whereas the employees governed by the relationship of master and servant rule used to approach the Civil Court for the redressal of their grievance while workers and the workmen were eligible to seek remedy before the local Labour Courts, functioning under the new dispensation of Industrial Relation Ordinance 2002, at the Divisional level with a right of appeal before the respective High Courts and appeal under Article 185(2) or a petition for leave to appeal under Article 185(3) of the Constitution before this Court, under which this Court enjoys vast jurisdiction, as compared to limited jurisdiction under Article 212(3) of the Constitution.

51. We have heard parties counsel at length and examined their respective contentions thoroughly, while taking into consideration the law and the judgments cited at the bar on the subject. Essentially, it would be just, fair and appropriate to examine the preliminary objections raised by learned counsel M/s Abdul Hafeez Pirzada, Sr. ASC, Raja Muhammad Ibrahim Satti, ASC and others to the jurisdiction of this Court to examine the constitutionality of Section 2-A of the STA, 1973.

52. In this behalf it may be noted that this Court, in exercise of Constitutional Jurisdiction conferred upon it under various provisions of the Constitution, including Article 184, 185, 186, 187(1) and 212(3), enjoys enormous power of judicial review. Besides, it is well settled by this time that being the apex Court, it has also been vested with inherent powers to regulate its own authority of judicial review, in as much as, that in Zafar Ali Shah v. Pervaiz Musharraf, Chief Executive of Pakistan (PLD 2000 SC 869), it has been held by the full Court that “so long as the superior Courts exist, they shall continue to exercise powers and functions within the domain of their jurisdiction and shall also continue to exercise power of judicial review in respect of any law or

provision of law which comes for examination before the superior Courts.” Argument by one of the learned counsel that in the absence of violation of any of the fundamental rights, guaranteed by the Constitution, Section 2-A of the STA, 1973 can be struck down only if in derogation of Article 8 of the Constitution and there is no other specific provision in the Constitution, authorizing this Court to exercise powers in this behalf is untenable on the face of it. A reference to the case of **Mr. Fazlul Qader Chowdhry** (ibid) would indicate that “superior Courts have inherent duty, together with the appurtenant power, to ascertain and enforce the provisions of the Constitution in any case coming before them.” In the case of **A.M. Khan Leghari v. Government of Pakistan** (PLD 1967 Lahore 227), it has been emphasized that “.....in cases of conflict between the supreme law of the Constitution and an enactment it is the duty of the superior Courts as its protectors and defenders to declare the enactment in question as invalid to the extent of its repugnancy with the Constitutional provision in the absence of any bar either express or implied.” Similarly, in **Messrs Electric Lamp Manufacturers of Pakistan Ltd. v. The Government of Pakistan** (1989 PTD 42), it has been held that “the Parliament in England is sovereign in the real sense and it is not subject to any constraints as in England there is no written Constitution, whereas in Pakistan the Parliament is subject to constraints contemplated by the Constitution in accordance with the procedure provided therein, but so long as it is not amended the Parliament has to act within its four corners; so a statute or any of its provisions can be struck down on the ground of being ultra vires of the Constitution.” Likewise, in the case of **Fauji Foundation v. Shamimur Rehman** (PLD 1983 SC 457), it is held that “.....when a Court, which is a creature of the Constitution itself, examines the vires of an Act, its powers are limited to examine the legislative competence or such other limitations as are in the Constitution; and while declaring a legislative instrument as void, “it is not because the judicial power is superior in degree or dignity to the legislative power” but because it enforces the Constitution as a paramount law either where a legislative instrument is in conflict with the Constitutional provision so as to give effect to it or where the Legislature fails to keep within its constitutional limits.” In the case of **Liaqat Hussain**

v. Federation of Pakistan (PLD 1999 SC 504), the conclusion was that “Court cannot strike down a statute on the ground of mala fides, but the same can be struck down on the ground that it is violative of a Constitutional provision. In **Collector of Customs and others v. Sheikh Spinning Mills** (1999 SCMR 1402), this Court struck down the imposition of pre-shipment inspection service charge under the Customs Act, 1969 as unconstitutional, which of course was not based on any fundamental rights. Relevant para reads as under:--

“Considering the case from all angles, although the Federal Legislature is competent to legislate for the imposition of fees within the meaning of Entry 54, in the Federal Legislative List, Fourth Schedule to the Constitution, but again as already discussed herein before, one has to see what is the nature of the legislation and whether the same could have been legislated within the ambit of the powers of the Federal Legislature. No doubt, legislation can be made to impose fee in respect of any of the matters in the Federal Legislative List, but definitely not for pre-inspection, the benefit of which has to go to the companies appointed to carry out the inspection and not to the payees of the fees. The imposition of such fee is not in lieu of services to be rendered for the benefit of its payees.

For the foregoing reasons, we are of the view that the imposition of service charge as imposed under Section 18-B of the Act towards the pre-shipment inspection is ultra vires of the powers of the Federal Legislature.”

53. Likewise, in the case of **Zaman Cement Company (Pvt) Ltd. v. Central Board of Revenue and others** (2002 SCMR 312) this Court observed that “the function of the judiciary is not to question the wisdom of Legislature in making a particular law nor it can refuse to enforce it even if the result of it be to nullify its own decisions provided the law is competently made; its vires can only be challenged being violative of any of the provisions of the Constitution and not on the ground that it nullifies the judgment of the superior Courts.” In this judgment the use of expression ‘**any**’ has widened the jurisdiction of the Court and extended it to the extent of the violation of the any of the provisions of the Constitution including fundamental rights. Similarly in **Ghulam Mustafa Ansari v. Government of Punjab** (2004 SCMR 1903) it was held that “ordinarily it is not for us to question the wisdom of the Legislature merely on the ground that a provision of law may work some inconvenience or hardship in the case of

some persons, unless it be violative of a constitutional provision including the fundamental rights.”

54. Adverting to the submission by Mr. Tariq Asad, ASC that Supreme Court of India has been vested with the powers to declare any law unconstitutional under Article 131-A of Indian Constitution, whereas no such powers have been conferred upon this Court under the Constitution except the powers under Article 8 of the Constitution, which are subject to violation of fundamental rights.

55. It may be pointed out that Article 131-A was inserted in the Constitution of India by means of 42nd Amendment but later on omitted by 43rd Amendment of the Constitution. However, fact remains that prior to the amendment and even now the Supreme Court of India had been examining the constitutionality of different laws and has declared them unconstitutional. Reference in this behalf may be made to **Mafatlal Industries Ltd. v. Union of India** (1997) 5 SCC 536. In this judgment, Section 11-B of the Central Excise and Salt Act, 1944 was struck down as being violative of Article 265 of the Constitution. Reference may also be made to **Marbury v. Madison** [(1803 2 Law Ed. 60 (73)], which was relied upon and approved in **Saiyyid Abul A’la Maudoodi v. The Govt. of West Pakistan** (PLD 1964 SC 673).

56. It may be observed that in the Constitution of United States , there is no express provision, empowering the Supreme Court of United States to invalidate a statute. Nevertheless, in the case of **Marbury** (ibid), Chief Justice Marshall observed that “ it is, emphatically, the province and duty of the judicial department to say what the law is; those who apply the rule to particular cases, must of necessity expound and interpret that rule; if two laws conflict with each other, the Courts must decide on the operation of each; So if a law be in opposition to the Constitution; if both the law and the Constitution apply to a particular case, so that the Court must either decide that case conformably to the law, disregarding the Constitution; or conformably to the Constitution, disregarding the law; the Court must determine which of these conflicting rules governs the case; this is of the very essence of judicial duty; if then, the Courts are to regard the Constitution,

and the Constitution is superior to any ordinary Act of the Legislature, the Constitution and not such ordinary Act, must govern the case to which they both apply.”

57. The principle laid down in **Marbury** case (ibid) has been followed invariably by the Courts of different jurisdictions. Reference in this behalf may also be made to the case of **Australian Communist Party v. The Commonwealth** [83 CLR 1 (1950-51)]. It is also to be noted that although in the Australian Constitution as well, there is no express provision, authorizing the High Court (which is the highest court of the country) to strike down a statute, yet a number of laws have been struck down by the said Court being contrary to Constitutional provisions, essentially on the basis that Constitution being the highest law every statute must conform to its parameters and where it fails to do so, it must be held repugnant to the Constitution and struck down. The Supreme Court of India expressed similar view in the case of **Supreme Court Advocates-on-Record Association v. Union of India** (AIR 1994 SC 268). Relevant para therefrom is reproduced herein below:---

“The Constitution of India which we have given to ourselves is the fundamental law of the land. The Judiciary, under the Constitution, is designed to be an intermediary body between the people on the one side and the Executive on the other. It belongs to the Judiciary to ascertain the meaning of the constitutional provisions and the laws enacted by the Legislature. In order to keep the Executive/Legislature within the limits assigned to their authority under the Constitution, the interpretation of laws is the proper and peculiar province of the Judiciary. Constitution is the “will” of the people whereas the statutory laws are the creation of the Legislature who are the elected representatives of the people. Where the will of the legislators – declared in the statutes – stands in position to that of the people – declared in the Constitution – the will of the people must prevail. The Constitution of India provides for an elected President. House of People is elected. The State Legislators are elected. Supreme Court Judges are not elected, they are appointed under the Constitution. So are other High Court Judges. Yet the Constitution gives unelected Judges a power – called judicial review under which they may nullify unconstitutional acts of the Executive and of the elected representatives of the people assembled in the Parliament and the State Legislatures. This conclusion does not suppose that the Judiciary is superior to the Legislature. It only supposes that the power of the people – embodied in the Constitution – is superior to both.

It may also be emphasized that in the Indian jurisdiction as well, learned Supreme Court struck down a statute where there was no question of violation of fundamental rights.

Reference in this behalf may be made to **Sundararamier & CO. v. State of Andhra Pradesh** (AIR 1958 SC 468). Relevant para therefrom is also reproduced herein below for convenience:---

“Now, in considering the question as to the effect of unconstitutionality of a statute, it is necessary to remember that unconstitutionality might arise either because the law is in respect of a matter not within the competence of the Legislature, or because the matter itself being within its competence, its provisions offend some Constitutional restrictions. In a Federal Constitution where legislative powers are distributed between different bodies, the competence of the Legislature to enact a particular law must depend upon whether the topic of that legislation has been assigned by the Constitution Act to the Legislature.”

58. Thus, foregoing discussion leads us to conclude that this Court is competent to examine the vires of a statute, if it has been promulgated in derogation of any of the provisions of the Constitution, apart from Article 8 of the Constitution.

59. Mr. Naeem Bukhari, learned ASC objected to the maintainability of the proceedings on the premise that Section 2-A of the STA, 1973 was promulgated as far back as 10th June 1997 by means of Service Tribunals Amendment Act No. XVII) of 1997, and it worked successfully, therefore, at this belated stage, it cannot be struck down.

60. Learned Attorney General opposed the arguments and stated that laches cannot be pleaded when a question of constitutionality of a law has been raised.

61. It is a factual position that since the promulgation of Section 2-A of the STA, 1973 its constitutionality never came under attack. However, in the instant case as noted in the paras supra, on examining the pleadings of the parties, it became necessary to examine its constitutionality. This Court in the case of **Fazlul Quader Chowdhry** (ibid) has held that “In any event, on questions relating to the constitutionality of actions the ground of laches cannot prevail, for there, can be no estoppel against the Constitution and an act which is unconstitutional cannot become constitutional by lapse of time, nor can it vest anyone with any kind of legal right to benefit from such an unconstitutional act.” Similarly in the

case of Attorney General of Australia v. The Queen Boilermakers' Society of Australia (PLD 1957 Privy Council 115), identical question was examined and it was held as under :---

“It is, therefore, asked, and no one can doubt that it is a formidable question, why for a quarter of a century no litigant has attacked the validity of this obviously illegitimate union. Why in Alexander’s case itself was no challenge made? How came it that in a series of cases, which are enumerated in the majority and the dissentient judgments it was assumed without question that the provisions now impugned were valid?

It is clear from the majority judgment that the learned Chief Justice and the Judges who shared his opinion were heavily pressed by this consideration. It cannot be otherwise. Yet they were impelled to their conclusion by the clear conviction that consistently with the Constitution the validity of the impugned provisions could not be sustained. Whether the result would have been different if their validity had previously been judicially determined after full argument directed to the precise question and had not rested on judicial dicta and common assumption it is not for their Lordships to say. Upon a question of the applicability of the doctrine of stare decisis to matters of far-reaching constitutional importance, they would imperatively require the assistance of the High Court itself. But here no such question arises. Whatever the reason may be, just as there was a patent invalidity in the original Act which for a number of years went unchallenged, so for a greater number of years an invalidity which to their Lordships as to the majority of the High Court has been convincingly demonstrated, has been disregarded. Such clear conviction must find express in the appropriate judgment.”

62. Learned Attorney General also relied upon Immigration and Naturalization Service (ibid) and stated that Supreme Court of United States of America struck down the power of legislative veto even though grant of such powers had become common over a span of several decades.

63. Thus, it is concluded that this Court cannot be refrained from examining the constitutionality of a law because of lapse of time, therefore, notwithstanding any objection, if the constitutionality of a law is under challenge, its vires can be examined despite the fact that it had remained on the statute book for a considerable time.

64. Preliminary objection raised in paragraph No.51 has already been attended to above. However, it may be observed that whenever there is a pure question of law, it can be raised at any time, either by the party or taken up by the Court itself, and the duty to

decide in accordance with law cannot be avoided on an untenable alibi (of not having been raised by a party) i.e. ignorance of a litigant or his counsel because this duty flows from the Constitution. Reference in this behalf may be made to the cases of **Abdullah Khan** (ibid) and **Board of Intermediate and Secondary Education** (ibid). In the last mentioned case, it was observed as follows:--

“A Judge must know the adage that a Judge must wear all the laws of the country on the sleeve of his robe and failure of the counsel to properly advise him is not a complete excuse in the matter.”

65. In addition to above, perusal of Article 212(3) of the Constitution reveals that it casts duty upon the Court to specify as to whether a substantial question of law of public importance is involved, before leave to appeal is granted. Thus, it would mean that the leave can be granted only if this Court is satisfied to examine a particular aspect of the case, including the question of constitutionality of a substantive law on the basis whereof case has arisen for adjudication. In the case of **Mohammad Hashim Khan v. Province of Balochistan** (PLD 1976 Quetta 59), it was held that “the Tribunal under Section 5 of the said Act is deemed to be a civil court for the purpose of deciding any appeal before it with all the powers under the Code of Civil Procedure; as any other Civil Court or Tribunal, to our mind, will have jurisdiction to examine whether or not a law is void by reason of its conflict with the Fundamental Rights or is otherwise ultra vires or that the order made is mala fide.” This Court approved this view of the High Court of Balochistan in the case of **Iqan Ahmad Khurram v. Government of Pakistan** (PLD 1980 SC 153). Upon careful perusal of both these judgments, one can safely conclude that under Section 5 of the STA, 1973, the Service Tribunal is competent to adjudge the validity of a statute, therefore, the Supreme Court while granting leave to appeal under Article 212(3) of the Constitution, being an appellate forum, cannot logically be denied the same power as an appeal is always considered to be continuation of the original proceedings. In this behalf we are fortified by the judgment in the case of **F.A. Khan v. Government of Pakistan** (PLD 1964 SC 520), wherein it has been held that :--

- i) When an appeal is filed, the matter becomes sub-judice and is re-heard by the appellate Court, which does not act merely as the Court of error;
- ii) After, there has been an appeal even though, an appellate Court simply affirms the order of Original Court the only decree or order in existence is the order of the appellate Court;
- iii) The Original and appellate proceedings are steps in one proceedings.”

66. This Court had an opportunity to examine identical proposition in the case of **Pir Sabir Shah**’case (ibid), wherein it has been held that “the doctrine that there is distinction between judicial review and appellate jurisdiction in the sense that questions of vires belong to the former and not to the latter jurisdiction is a judicially evolved doctrine, and like all judicially evolved doctrines, it is, and ought to be, flexible and capable of new application; the distinction should not be regarded as something “engraved on tablets of stone”; Foster case serves as an example in which that doctrine was effectively exploded.” High Court of Sindh in the case of **Nazrul Hassan Siddiqui v. Federation of Pakistan** (2000 PLC (CS) 189), after having surveyed the judgments on the point concluded that “the Federal Service Tribunal had the jurisdiction to determine the vires of a statute.” That being the case, the Supreme Court certainly would have jurisdiction to determine the vires of a statute in exercise of its jurisdiction under Article 212(3) of the Constitution.

67. It is important to note that in the cases, pertaining to WAPDA, particularly **Project Director Ghotki, (WAPDA)** (ibid), it was specifically held that “that apart, for the purposes of the Service Tribunals Act only such of the employees of the WAPDA could be treated as civil servants who were holding a post under the Authority and as Work charge employees hold no post hence they cannot for the purposes of Service Tribunals Act be treated as civil servants. (emphasis provided); and finally it was concluded that “in the absence of their being civil servants, the remedy lay before the forum other than the Service Tribunal.”

68. The ratio decidendi of the judgments, discussed above, lays down following two basic propositions, for the purpose of ascertaining as to whether a person is in the service of Pakistan:--

- a) A declaration must exist that he shall be deemed to be in the service of Pakistan.
- b) Such person must hold a post or office in connection with the affairs of the Federation or of a Province and includes in all Pakistan Service.

69. The view taken in the above judgments, giving rise to above proposition, was reiterated in the cases of **WAPDA v. Muhammad Ashraf Naeem** (ibid), **Wasim Ahmed Khan** (ibid), **Chairman, WAPDA v. Abdul Hafeez Khan** (ibid), and **Muhammad Ibrahim Mangrio** (ibid). In these judgments, the proposition under discussion namely, as to whether by means of a deeming clause a person can be declared to be in the service of Pakistan for the purposes of Article 260 of the Constitution, had not been examined. In this behalf it may be noted that according to Article 260 of the Constitution, the Legislature is empowered to declare any service to be service of Pakistan by or under an Act of Majlis-e-Shoora [Parliament]. This constitutional provision nevertheless does not empower the Legislature to declare any person to be in the service of Pakistan, on the basis of a legal fiction. The Legislature by using the expression “shall be deemed” has allowed to enjoy the status of civil servant, even to those persons who were excluded from its definition in terms of Section 2(1)(b) of the CSA, 1973, which also includes a person, who is a contract employee as interpreted by this Court in the case of **Aftab Ahmed** (ibid) followed in **Zahir Ullah** ‘s case (ibid). Relevant para from the last mentioned judgment is reproduced herein below for convenience:---

“The above view taken by the learned Tribunal does not appear to be correct as section 2-A which was inserted in the Service Tribunals Act, 1973 by its own force, created a class of Government servants by fiction, for the purpose of allowing them to avail remedy of appeal before the learned Service Tribunal. Section 2-A ibid while providing that the service under an authority, Corporation, body or organization established by or under a Federal law or which is owned or controlled by the Federal Government or in which the Federal Government has a controlling share of interest is declared to be the service of Pakistan and every person holding a post under such Corporation or organization shall be deemed to be a civil servant for the purpose of Service Tribunals Act, does not make any differentiation

between the employees working in such organization either as regular employees or contract employees or workmen. We are, therefore, of the view that as the appellants were covered by the provisions of Section 2-A for the purposes of availing remedy before the Service Tribunal. The fact that they were employed in the organization/Corporation on contract basis, could not disentitle them to the remedy of appeal which became available to them on account of incorporation of section 2-A of the Service Tribunals Act, 1973. Accordingly, the above appeals are allowed, the order of the learned Service Tribunal is set aside and the cases are remanded to the learned Service Tribunal with the direction to decide the same afresh in the light of above observations. There will, however, be no order as to costs.”

70. Learned Attorney General pointed out that if this principle is accepted then the persons, working in the Government controlled Corporation, either on deputation or on contract basis or in the capacity of worker or workman, shall enjoy the status of the civil servant on account of the legal fiction because no such declaration is required to be made in their favour, as they are already working in the Government departments.

71. In view of above position, we are of the opinion that Article 260 of the Constitution does not mandate to Legislature to declare any person to be in the service of Pakistan, and by deeming clause to be a civil servant for the purpose of STA, 1973. We have minutely examined the earlier judgments on the point, particularly the cases of WAPDA employees, discussed above, as well as the judgment in the case of **Qazi Wali Muhammad** (ibid), to come to the conclusion that a person can be declared to be in service of Pakistan but not necessarily a civil servant, in terms of CSA, 1973. It was further observed in **Ashraf Naeem** (ibid) that “if the respondent stands excluded from the definition of civil servant as contained in Civil Servants Act, then the statutory provision made for the civil servants will not apply and such persons connected with the generation, transformation and supply of electricity are to be treated as workmen for the purposes of Workmen’s Compensation Act.” Reference in this behalf has already been made to a number of judgments. This Court in another case i.e. **Divisional Engineer Phones** (ibid) also examined this proposition and concluded as under :---

“The respondents in their appeals belong to the category of the person who has been declared as civil servant under Section 2-A of Service Tribunals Act, 1973, for the purpose of availing the remedy before the Service

Tribunal, such persons in the absence of a corresponding amendment in the Civil Servants Act, 1973 cannot automatically become the civil servants, within the meaning of Civil Servants Act, 1973.”

72. As a result of above conclusion, the appeals filed by Divisional Engineer Phones were accepted for the reason that the respondents who were admittedly appointed after creation of the Corporation, did not enjoy the status of civil servant, therefore, they could not avail the remedy in respect of disputes, relating to their terms and conditions of service before the Service Tribunal established under the Service Tribunal Act, 1973. This view has been approved in the case of **Koural Channa** (ibid).

73. Undoubtedly the proposition laid down in the above judgments was very important from the jurisprudential point of view but subsequent thereto liberal view was followed by this Court, allowing a person to continue to avail remedy under Section 2-A of the STA, 1973 because of the fact that its constitutionality had never been examined, otherwise, this proposition being more logical and convincing is bound to be followed subsequently in the judgments delivered from time to time. At this juncture, reference to the case of **Qazi Wali Muhammad** (ibid) would not be out of context, wherein this Court while examining the status of employees of the Supreme Court has held that “ the expression ‘service of Pakistan’ used in Article 260 of the Constitution has a much wider connotation than the term ‘civil servant’ employed in the Civil Servants Act; while the ‘civil servant’ is included in the expression ‘service of Pakistan’, the vice versa is not true; ‘civil servant’ as defined in the Civil Servants Act, 1973 is just a category of service of Pakistan mentioned in Article 260 of the Constitution.” It was further observed that “to illustrate the point, it is stated that members of Armed Forces though fall in the category of ‘service of Pakistan’ but they are not civil servants within the meaning of Civil Servants Act and the Service Tribunals Act”.

74. It is equally important to observe that under Article 260 of the Constitution, a person can be declared to be in the service of Pakistan if his duties have a nexus with the affairs of the Federation, meaning thereby that a person who is playing an active role in the performance of sovereign functions of the State and exercises public powers can

legitimately claim to be in the service of Pakistan. Undoubtedly the Parliament can declare any service to be service of Pakistan but subject to the condition that such declaration should not be based on a legal fiction, as done in the instant case, whereby through a deeming clause, a person of a Government controlled Corporation in terms of Section 2-A of the STA, 1973 has been declared to be in the service of Pakistan and for such reason he shall be deemed to be a civil servant. Secondly, conditions under Article 260 of the Constitution with regard to having nexus/connection with the affairs of the Federation of Pakistan have not been fulfilled. According to “**Understanding Statutes**” by S.M. Zafar 2nd Edition page 101, the purpose of importing a deeming clause is to impose an artificial construction of a word or phrase that would not otherwise prevail and sometimes it is to make the construction certain.” It has been further observed by the learned jurist that “if the deeming provision is invalid, all the ancillary provisions fall to the ground along with it; and if the later Act is entirely dependent upon the continuing existence and validity of the earlier Act, which is held to be unconstitutional and has no legal existence the provisions of the later Act are incapable of enforcement.” It is important to note that two important concepts have been introduced by the learned author in the construction of the provision creating a statutory fiction, namely; “statutory fiction should be carried to its logical conclusion as held in **Muhammad Yasin v. Sheikh Ghulam Murtaza and another** (PLD 1988 SC 163) but the fiction cannot be extended beyond the language of the section by which it is created or by importing another fiction,” therefore, to find out a solution, it has been observed that “principle of harmonization shall be attracted” and ultimately it was held that “the impact of deeming clause could be curtailed if it produces a disgraceful result.”

75. This Court had an occasion to examine the effect of a deeming clause in the case of **Mehreen Zaibun Nisa** (ibid), wherein the effect of a deeming clause in light of the earlier judgments was summed up as follows:---

- i) When a statute contemplates that a state of affairs should be deemed to have existed, it clearly proceeds on the assumption that in fact it did not exist at the relevant time but by a legal fiction we are to assume as if it did exist.

- ii) Where a statute says that you must imagine the state of affairs, it does not say that having done so you must cause or permit your imagination to boggle when it comes to the inevitable corollaries of that state of affairs.
- iii) At the same time, it cannot be denied that the Court has to determine the limits within which and the purposes for which the Legislature has created the fiction.
- iv) When a statute enacts that something shall be deemed to have been done which in fact and in truth was not done, the Court is entitled and bound to ascertain for what purposes and between what persons the statutory fiction is to be resorted to.”

76. As pointed out herein above that on promulgation of Section 2-A of the STA, 1973, the persons employed in the Government controlled Corporations, were never treated to be in the service of Pakistan, therefore, they were not allowed to enjoy the status of a civil servant. But now, by means of a legal fiction, such status has been conferred upon them notwithstanding the fact that statedly their cases are not covered by the definition of “civil servant” and on account of this legal fiction a discrimination has been created between the persons, who have been excluded from the definition of civil servant as per Section 2(1)(b) of the CSA, 1973 whereas the persons in the employment of Government controlled Corporations, either created by or under a statute, most of them incorporated under the Companies Ordinance 1984, have been declared to be in the service of Pakistan and deemed to be civil servants. Thus, it has created a classification which does not seem to be reasonable. As per the second principle, noted herein above, a deeming clause only permits to imagine a particular state of affairs but it does not mean that such imagination can be allowed to be overwhelmed, when it comes to the inevitable corollaries of that state of affairs, therefore, merely on the basis of imagination, status of a person cannot be converted, without ensuring compliance of the basic requirements. As in the case in hand, merely on the basis of a deeming clause, if a person is treated to be a civil servant, it has also to be examined whether remaining conditions, provided under the CSA, 1973 have been fulfilled, particularly, as to whether, while making appointments,

provisions of Section 5 of the CSA, 1973 have been complied with or not, according to which the appointments to an All-Pakistan Service or to a civil service of the Federation or to a civil post in connection with the affairs of the Federation, including any civil post connected with the defence, shall be made in the prescribed manner by the President or by a person authorized by the President in that behalf. Inevitable corollary consequent upon this provision of law and the conclusion would be that those persons, who are working in the Government controlled Corporations etc. and have been appointed in a prescribed manner, would be deemed to be in the service of Pakistan and if their status is declared to be a civil servant, only then they would be entitled to enjoy the benefits of Section 2-A of the STA, 1973, whereas the persons other than those, like persons employed on contract basis, deputationist, worker or workman, under different statutes, whose appointment has not taken place in the prescribed manner, shall not be deemed to be civil servants and merely on the basis of fiction their status cannot be enhanced essentially, in majority of cases, they have not been appointed under any statutory provision and it is also not clear as to whether their appointment had taken place under lawful authority and such Authority had exercised its discretion fairly and in good faith or there was any mala fide etc. In majority of such Corporations, the appointments are made by the functionaries who themselves have not been appointed under any statutory provision because of creation of Corporation by the Memorandum and Article of Association, duly registered with the Securities and Exchange Commission of Pakistan under the Companies Ordinance, 1984.

As far as third principle, noted herein above, is concerned, the Court is required to determine the limits within which and the purpose for which the Legislature has created the fiction. Before its promulgation, a debate had also taken place in the Parliament, extracts whereof have been placed on record. A perusal whereof indicates that the objects of enacting Section 2-A was to facilitate the persons working in Government controlled Corporations in order to provide them adequate and efficacious remedy for the redressal of their grievance. But, in our considered opinion promulgation of Section 2-A of the STA, 1973 has not advanced the cause of the employees working in the Corporations,

particularly where statutory backing is not available to them. Although this law was promulgated on 10th June 1997 and thereafter the Courts took sufficient time in interpreting its provisions, initially at the High Court level, subsequently before the Service Tribunal and finally before this Court but in none of the judgments, its vires were examined. However, keeping in view the socio-economic conditions, prevailing in the country, it seems that even by promulgation of Section 2-A of the STA, 1973, the said object has not been achieved. In this behalf, it may be noted that the persons who fall within the category of worker or workman, have more efficacious, adequate and speedy remedy before the Labour Court, headed by a District Judge and appeal before the High Court under the IRO, 2002 and after exhausting remedy before the High Court, a petition for leave to appeal is competent before this Court under Article 185(3) of the Constitution, the scope whereof is broader than the provisions of Article 212(3) of the Constitution, where leave can only be granted if a substantial question of law of public importance is involved. As far as the other category of the contract employees and work charged employees are concerned, they can avail the remedy of claiming compensation before the Civil Courts, functioning all over the country. Similar would be the position of deputationists, if aggrieved by an order relating to terms and conditions of service. Comparing to it, the remedy provided under Section 2-A of the STA, 1973 is more cumbersome, harsh and expensive. Moreover, it is a fact that a large number of cases have piled up before the Federal Service Tribunal, which, eventually, would take a long time in disposal and thereafter, aggrieved party, challenging the decision, with the result that the dispute shall remain pending for a considerable period, before higher forum.

It may also be noted that the persons covered under Section 2-A of the STA, 1973 have been deprived of a right of appeal because earlier the view was that after exhausting departmental remedy, such persons can file appeal before the Service Tribunal but after the judgment in **Ghulam Abbas**'s case (ibid) an aggrieved person can directly approach the Service Tribunal for redressal of his grievance whereas it has been held by this Court that under the Islamic system of dispensation of justice, as a matter of right, one appeal should be made available. Reference in this behalf can be made to the cases **Pakistan**

v. General Public (PLD 1989 SC 6), **Chenab Cement v. Banking Tribunals** (PLD 1996 Lahore 672) and **Arshad Mehmood v. Government of Punjab** (PLD 2005 SC 193), laying down that a statute which does not provide at least one appeal is unreasonable and can be struck down. Therefore, for this reason as well, Section 2-A of the STA, 1973 seems to be unconstitutional.

77. We may also point out here that reference to the Parliamentary debate, which took place before the promulgation of Section 2-A of the STA, 1973, is not of much help because such debates can be referred to when there is any ambiguity in the statute under discussion. In this behalf reference may be made to the judgment in **A&B Food Industries Ltd. v. Commissioner of Income Tax/Sales Tax** (1992 SCMR 663). In the case of **Pir Sabir Shah** (ibid), it has been observed that “the question of constitutionality of a law, or to put it differently, whether a law is intra vires or ultra vires does not depend upon consideration of jurisprudence or of policy; it depends simply on examining the language of the Constitution and of comparing the legislative authority conferred on the Parliament with the provisions of the sub-Constitutional law by which the Parliament purports to exercise that authority.”

So far as the fourth principle is concerned, it is not attracted in the instant case because after promulgation of Section 2-A of the STA, 1973, the persons working in the Government controlled Corporations, are being treated to be in the service of Pakistan and due to this reason, they are being treated as civil servant for the purpose of STA, 1973. The purpose for which the status of civil servant was given to them has already been discussed herein above.

78. Learned counsel appearing in support of constitutionality of Section 2-A failed to produce any material to persuade us that on the basis of any statute or by means of any other statutory instrument, these persons shall be deemed to be in the service of Pakistan, therefore, they can enjoy, by means of a legal fiction, the status of a civil servant. In this context reference to the case of **Saeed Rabbani** (ibid) may be made, wherein this Court, after having discussed the relevant instrument like Rules of Business, etc. held that “it is the duty and responsibility of the Federal Government to organize, constitute and

develop Federal agencies and institutions for research, professional or technical training or for promotion of special studies; Leather Industry Development Organization is engaged in performing such duties; as this institution is promoting industrial activity and special studies in industrial fields. It falls under item No.5 of the Industries Division as provided by the Rules of Business; therefore, as the appellant is employed with LIDO, he holds a civil post in connection with the affairs of the Federation and he is thus covered by Section 2(1)(b) of the Civil Servants Act, 1973.” It may be noted that in this very judgment, another question came up for consideration i.e. with reference to the status of the employees of LIDO, which was answered in view of the judgment in the case of **Mrs. M.N. Arshad** (ibid), wherein it was held as follows:---

“In Pakistan Corporations are not created by a Royal Charter but they are incorporated either by a statute like the Karachi Port Trust incorporated under the Karachi Port Trust Act, 1886, or by registration under a statute like companies under the Companies Act or associations under the Societies Act or cooperative societies under the Cooperative Societies Act or a trust under the Trust Act, etc. However, Corporations can also be created by an executive order under the authority delegated by an Act of Parliament. In Pakistan, we find such a delegation inter alia in Section 3 of the Evacuee Trust Properties (Management and Disposal) Act, 1975 (Act XIII of 1975), which provides that the Federal Government shall constitute a body to be known as the Evacuee Trust Property Board, for the management and disposal of evacuee trust property and that the Board shall be a body corporate by the name aforesaid having perpetual succession and common seal, with power to acquire, hold and dispose of property both movable and immovable, and to contract and sue and be sued in its name. It is an admitted position that the Resolution has not been passed in pursuance of any such delegated statutory power. In this view of the matter, the Board is neither a corporate body nor a juristic person competent to employ teachers. Mr. Bashir Ahmed Ansari has invited our attention to the factum that the employees of the Pakistan Broadcasting Corporation, the Pakistan Television Corporation, the WAPDA and the PIA have been held to be employees of corporate bodies and not civil servants though they are controlled by the Federal Government. This is so, for the reason that the corporate status of the above Organization has been created by virtue of a statute or by virtue of registration as a corporate body under the Companies Act.”

79. At this juncture it may also be observed that Article 260 of the Constitution has conferred authority upon the Parliament to declare any other service to be the service of

Pakistan under an Act of Parliament. The words “declared” used therein is of much significance. In view of its importance, it has to be seen as to whether there was any doubt or difficulty in the definition of civil servant under Section 2-A of the STA, 1973, which persuaded the Legislature to make a declaration that the persons working in the Government controlled Corporations, etc. shall be declared to be in the service of Pakistan and incumbents, therefore, shall be deemed to be civil servants. In case, there is some doubt in respect of a state of the law, Parliament may decide to pass a declaratory Act, setting out what the law is. [**“Understanding Statute”** by S.M. Zafar Second Edition (Page 287)]. Essentially on the plain reading of the definition of the civil servant, both under Section 2-A of the STA, 1973 and Section 2(1)(b) of the CSA, 1973, there was absolutely no doubt. In this behalf the Parliament had also not identified any doubt as would be evident from the Parliamentary debates, which took place at the time of promulgation of Section 2-A of the STA, 1973. A declaration, however, has not been made to clarify any doubt rather by introducing a legal fiction, the persons working in Government controlled Corporations, etc. have been made civil servants for the purpose of Article 260 of the Constitution. The language employed by the Constitution, authorizing the Parliament to declare any other service as service of Pakistan, only confers authority to make a solid declaration in respect of any such service, instead of bringing it into the folds of service of Pakistan by introducing a legal fiction.

80. Now turning towards the second limb of the argument i.e. as to whether the persons working in the Government controlled Corporations, etc. in terms of Section 2-A of the STA, 1973 are performing their functions in connection with the affairs of the Federation, being one of the most important condition for attaining the status of being in the service of Pakistan. In this behalf, a criteria has been laid down in the case of **Saeed Rabbani** (ibid). Similarly, in the case of **Salahuddin** (ibid), it was held as under:---

“Now what is meant by the phrase “performing functions in connection with the affairs of the Federation or a Province.” It is clear that the reference is to governmental or state functions, involving, in one form or another, an element of exercise of public power. The functions may be the traditional police functions of the State, involving the maintenance of law and order and other regulatory activities; or they may comprise functions pertaining to

economic development, social welfare, education, public utility services and other State enterprises of an industrial or commercial nature. Ordinarily, these functions would be performed by persons or the Federal Government or a Provincial Government. However, in recent years, there has been manifest a growing tendency on the part of Governments to create statutory Corporations for undertaking many such functions, particularly in the industrial and commercial spheres, in belief that free from the inhibiting effect of red-tapism, these semi-autonomous bodies may prove more effective, flexible and also profitable. Inevitably, Government retains effective control over their functioning by appointing the heads and other senior officers of these Corporations, by regulating their composition and procedures by appropriate statutes, and by finding funds for financing their activities.

Examples of such statutory Corporations are the National Bank of Pakistan, the West Pakistan Water and Power Development Authority, the National Shipping Corporation, the Agricultural Development Bank of Pakistan and the large number of Universities functioning under their respective statutes. On account of their common attributes, as mentioned in the preceding paragraph, they have all been regarded as persons performing functions in connection with the affairs of the Federation or a Province.

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However, private organizations or persons, as distinguished from government or semi-government agencies and functionaries cannot be regarded as persons performing functions in connection with the affairs of the Federation or a Province simply for the reason that their activities happen to be regularized by laws made by the State. Accordingly, a joint-stock company, incorporated under the Companies Act, for the purpose of carrying on commercial or industrial activity for the benefit of its shareholders, cannot be regarded as a person performing State functions, just for the reason that its functioning is regulated by law or that the distribution of its manufactured products is subject to governmental control in the public interest. The primary test must always be whether the functions entrusted to the organization or person concerned are indeed functions of the State involving some exercise of sovereign or public power; whether the control of the organization vests in a substantial manner in the hands of Government; and whether the bulk of the funds is provided by the State. If these conditions are fulfilled, then the person including a body politic or body corporate, may indeed be regarded as a person performing functions in connection with the affairs of the Federation or a Province ; otherwise not.”

This view has also been reiterated in the Aitchison College (ibid).

81. Mr. Wasim Sajjad, learned Sr. ASC while relying upon the case of **Salahuddin** (ibid), argued that statutory Corporations are the same as the Government itself, therefore, their employees are to be treated at par with each other.

82. Argument advanced by him is not acceptable because the ratio decidendi of the judgment is that to determine as to whether a person is holding a post or office in connection with the affairs of the Federation, an element of sovereign authority and exercise of public power is essential to bring an employee or service within the scope of the words “affairs of the Federation”. Thus it is concluded that the Parliament cannot enact a law declaring any other service to be the service of Pakistan by or under any Act, without demonstrating that such declared service has nexus with the affairs of the Federation. In fact, the framers of the Constitution have restricted the power of the Parliament to declare any service to be service of Pakistan by placing an embargo that such person should also hold a post or office in connection with the affairs of the Federation. Unless this condition is fulfilled, every service cannot be declared by the Parliament to be service of Pakistan. In a number of judgments, this Court, in respect of statutory Corporations and Bodies owned or controlled by the Government, has held that such Corporations or Bodies are distinct and different from the Government and their employees are not ipso facto in the service of Pakistan. Reference in this behalf to the case of **Printing Corporation of Pakistan v. Province of Sindh** (1985 CLC 1486), would not be out of context, wherein it was held that “workers working in the petitioner company drawing up to Rs.1000/- in terms of the definition of ‘worker’ given in the Ordinance can be said to be in service of State; they are in fact in service of the petitioner Company. As pointed out herein above the company has the power to employ any person under the Memorandum of Association; the mere fact that the Federal Government has totally subscribed ‘A’ class shares and appoints the Directors or that it issues directives from time to time will not change the status of the petitioner workers into the status of service in State; the concept of ‘person in the service of the State’ is a very old concept and in fact is now akin to the phrase “persons in the service of Pakistan”; in this regard reference may be made to Article 242 and 275 of the Constitution, 1973; it has been

consistently held by the Supreme Court that the employees of Corporations established by the Federal Government are not in service of Pakistan.” To arrive at this conclusion, reference was made to **Chairman East Pakistan Industrial Development Corporation, Dacca v. Rustam Ali** (PLD 1966 SC 848), **Abdul Salam Mehta v. Chairman Water and Power Development Authority** (1970 SCMR 40), **Shahid Khalil v. Pakistan International Airlines Corporation Karachi** (1971 SCMR 568), **Shujauddin Ahmad v. Oil and Gas Development Corporation** (1971 SCMR 566) and **R.T.H. Janjua v. National Shipping Corporation** (PLD 1974 SC 146). The judgment in the case of **Printing Corporation of Pakistan** (ibid) came up under consideration before this Court in the case of **Printing Corporation of Pakistan v. Province of Sindh** (PLD 1990 SC 452), wherein it was held that “the fact that the part of the capital has been subscribed by the Government does not, in any manner, establish that the Federal Government controls the affairs of the appellant and the workers of the appellant are in the service of the State; similarly, if the Government has provided working capital, it would be a loan to the appellant, which has to be repaid; therefore, it cannot be said by any reason or logic that by doing so the Federal Government controls the affairs of the appellant or the workers of the appellant could be considered to be in the service of the State.” It was further held that “merely by the fact that the Government owns 60 per cent share capital or the ‘A’ class ordinary shareholders representing the Government of Pakistan can appoint Directors including the Chairman, the Managing Director and the Finance Director, would not establish that the affairs of the Corporation are controlled by the Government.”

83. This Court, while interpreting the Constitutional provisions, in the case of **Don Basco High School** (ibid), has held that it is well established rule of construction of statute that general terms following particular ones apply only to such persons or things as are *Ejusdem Generis* with those comprehended in the language of the Legislature. Reliance in this behalf has also been placed on **R.V. Cleworth** (1864) 4.B & S.927. Relevant para therefrom is reproduced herein below:---

“In other words, the general expression is to be read as comprehending only things of the same kind as that designated by the preceding particular expressions, unless there is something to show that a wider sense was intended.”

84. In the case of **Al-Jehad Trust v. Federation of Pakistan** (PLD 1996 SC 324), it was observed that “the general words cannot be construed in isolation but the same are to be construed in the context in which, they are employed; in other words, their colour and contents are derived from their context.” Likewise, in the case of **Farooq Ahmed Khan Leghari** (ibid), similar observations were made. Similarly, in this very context, while disposing of **Presidential Reference No.2 of 2005** (PLD 2005 SC 873), it was observed that “general words cannot be construed in isolation but the same are to be construed in the context in which they are employed. In another judgment in the case of **Adil Abdul Jabbar** (ibid), High Court of Sindh observed that “it also needs to be kept in view that the Service Tribunals Act is a law enacted under Article 212 of the Constitution and though the Parliament is competent to declare a person to be in the service of Pakistan, such person, must perform an element of public duty; we fail to comprehend how a clerk of a private Stock Exchange could be deemed to be performing such public service.”

85. Article 63 of the Constitution creates a disqualification for a candidate for the membership of Parliament if he is in the service of any statutory body or body, owned or controlled by the Government or in which the Government has controlling share or interest but status of such person is different, if he is in service of Government controlled Corporation and has been declared to be in the service of Pakistan. The ‘service of Pakistan’ is a broader expression which itself covers the ‘service of any body, owned or controlled by the Government or in which the Government has a controlling share or interest’. This expression would not have been used as it would have been redundant in this Article because it is well settled that redundancy cannot be attributed to a Constitutional provision. Reference in this behalf may be made to the case of **Shahid Nabi Malik** (ibid) and **Reference No. 2 of 2005** (ibid). Therefore, both the expressions are to be considered distinctly with reference to the context, relating to the matter under

discussion. It is established rule of interpretation that where the Legislature has used two different words in legislation, they must be given different meanings. Even if the words appear to be synonymous or akin to one another they should be assigned different meanings to avoid making one or the other legislative expression redundant. Reference may be made to State v. Zia-ur-Rehman (PLD 1973 SC 49) and Raja Maula Dad Khan v. West Pakistan Bar Council (PLD 1975 SC 469). From the principle highlighted herein above and as discussed in these two judgments, it is abundantly clear that Legislature, under Article 63 of the Constitution, by using the expressions ‘service of Pakistan’ and ‘service of any statutory body or any body, owned or controlled by the Government or the Government has controlling share or interest’ in it had identified the consequences, which would ultimately result in disqualification of a candidate in terms of clause (k) of Article 63(1) of the Constitution. Comparing this Article with Article 212(1)(a), expression ‘service of Pakistan’ has been employed and it does not make any reference to ‘service of any statutory body or any body, owned or controlled by the Government or in which the Government has controlling share or interest.’ Thus only those persons who are covered within the definition of ‘service of Pakistan’ in terms of Article 212(1)(a) of the Constitution, can invoke the jurisdiction of the Tribunal, otherwise when the Constitution framers have used the expression ‘service of any statutory body or any body, owned or controlled by the Government or in which the Government has controlling share or interest’ along with the expression ‘service of Pakistan’ may have used it. This distinction is presumed to be in the knowledge of the Constitution framers in view of the earlier judgment of this Court in the case of Chairman East Pakistan Industrial Development Corporation, Dacca (ibid), wherein it has been held that “employees of statutory Corporations are not the Government servants.” Similarly in the case of Fazlul Quader Chowdhry (ibid), it has been held that “between amendment and adaptation there is a clear distinction and this distinction had already been the subject of discussion in judgments of Courts before this Constitution was framed; the framer of the Constitution is presumed to have been well aware of the distinction which had been accepted by the Courts; when he used the word ‘adaptation’, therefore, and omitted the

word ‘amendment’ in Article 224(3), there can be little doubt that he did so deliberately; the Legislature is by presumption an ideal person and has full knowledge of the state of case law, at least the important part of it.”

86. It is important to note that intention of the framer of the Constitution had never been to provide a forum of the Service Tribunal to the employees of the Government controlled Corporations, in terms of Section 2-A of the STA, 1973. Had it been so, it could have incorporated the same in Article 212(1)(a) of the Constitution as provided under Article 323A of the Constitution of India, which reads as under:--

“**323A.(1).** Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any Corporation owned or controlled by the Government. (emphasis provided)

Thus, with reference to above Article of the Constitution of India, the argument put forward by Mr. Iftikhar Gillani, learned Sr. ASC that Section 2-A creates a new and distinct class of Government servants, which is neither covered by the definition of ‘civil servant’ nor by the definition of ‘service of Pakistan’, seems to be correct. Therefore, for this reason alone Section 2-A of the STA, 1973 becomes ultra vires of the Constitution because the employees of Government controlled Corporations etc. are not covered by the definition of ‘service of Pakistan’ as provided under Article 260 of the Constitution nor their cases can be taken up under Article 212(1)(a) of the Constitution, as such the Federal Service Tribunal has no jurisdiction to grant them relief in terms of Article 212(1)(a) of the Constitution because under this provision of the Constitution, administrative tribunals are set up for the purpose of exercising jurisdiction in respect of the terms and conditions of service of those persons, who are in the service of Pakistan. The terms and conditions of service of those employees, however, are required to be specified under Article 240 of the Constitution by or under Act of the Parliament. Thus, the conclusion would be that only those persons, who are in the service of Pakistan, as discussed herein above, and if their terms and conditions are governed either by a statute

or statutory rules, in terms of Article 240 of the Constitution, can seek remedy before the Service Tribunals. It can be, therefore, said in other words that as the persons, who are in service of Pakistan but whose terms and conditions of service are not governed by a statute or statutory rules, cannot invoke the jurisdiction of the Federal Service Tribunal. In this behalf in **Mehboob Khan** (ibid) it was observed that “it was for the first time in 1973 that it was decided to regulate the terms and conditions of the Civil Servants through a statute and to set up Administrative or Service Tribunals to adjudicate the matters in respect of the terms and conditions of Civil Servants; and to achieve this object Articles 212 and 240 were introduced in the present Constitution; this was followed by promulgation of Civil Servants Act 1973 to regulate the appointment and providing for terms and conditions of the persons in service of Pakistan; simultaneously Service Tribunal Act, 1973 was introduced; the result was that jurisdiction of all Courts excluding this Court in respect of the terms and conditions of service of the Civil Servants was excluded.” In this very judgment it was further observed that “according to this Article [240], the terms and conditions of the persons in service of Pakistan were to be determined by or under Act of Parliament while conditions of persons in service of Provinces were to be governed by or under Act of Provincial Assembly; this was the natural consequence of Article 212 because earlier the civil servants were enjoying Constitutional guarantees; the same having been excluded from the purview of the Constitution, the Parliament in pursuance of this Article proceeded to promulgate Civil Servants Act LXXI of 1973; similarly the Provinces also promulgated the Provincial Civil Servants Acts; these statutes provided the superstructure while for disciplinary matters and procedure thereof Rules were promulgated at different levels.” Reference at this stage to the case of **Muhammad Shahbaz Sharif** (ibid) would not be out of context, wherein it has been held that “it is true that a person may not be a civil servant within the meaning of Civil Servants Act, 1973 but may be in the service of Pakistan as is the case with an Ambassador; however, the fact remains that in such cases also appointments to and terms and conditions of offices are determined by or under the Act of appropriate legislature or by rules framed pursuant to Article 240 of the Constitution which is not so

in respect of holders of Constitutional offices; apart from the fact that Syeda Abida Hussain's case did not deal with the holder of Constitutional office and is, therefore, clearly distinguishable, on a closer analysis of the said judgment, it will be seen that one of the reasons for holding that Syeda Abida Hussain was in service of Pakistan as an Ambassador was that she was governed by Rules of Service applicable to civil servants framed pursuant to Article 240 of the Constitution; similarly, the case of Mahboob Khan and 242 others v. Government of Pakistan through Secretary, Ministry of Railways, Islamabad and 5 others (1991 PLC (CS) 415) has no relevance nor does it advance the case of the petitioner; moreover in that case also it was observed that the terms and conditions of person in service of Pakistan were to be determined by or under the Act of the Parliament or the Provincial Assembly as mandated by Article 240 of the Constitution, which shows that the determining factor as to whether or not a person is in the service of Pakistan, is as to whether his terms and conditions are determined by law made under Article 240 of the Constitution." Similarly in **Qazi Wali Muhammad**'s case it has been held that the Federal Service Tribunal has no jurisdiction in cases where the terms and conditions of service of an employee in question are not or cannot be determined in terms of Article 240 of the Constitution. This view was followed by this Court in the case of **Muhammad Siddique** (ibid).

87. It may be noted that under Section 2-A of the STA, the Legislature has not declared the service of a person in the Government controlled organization to be the 'service in connection with the affairs of the Federation'. It may also be noted that under Article 240 of the Constitution 'service of Pakistan' means "any service, post or office in connection with the affairs of the Federation." Essentially, when a person is not holding a post in connection with the affairs of the Federation or of a Province, he would not be entitled to claim himself to be in the service of Pakistan, as discussed herein above. Likewise, there is yet another important condition i.e. he must hold a post or office in connection with the affairs of Pakistan.

88. Mr. Naeem Bukhari, learned ASC candidly conceded that if a person is not holding a post in connection with affairs of State, he would be governed by a contract and

the remedy lies in damages. In this behalf it may be noted that word ‘permanent post’ as defined in Section 2(1)(e) of the CSA, 1973, means ‘a post sanctioned without limit of time.’ In the case of **State of Assam v. Kanak Chandra** (AIR 1967 SC 884), wherein with reference to Article 309 and 310 of the Constitution of India, the ‘post’ has been defined as follows:---

“10. In the context of Arts.309, 310 and 311, a post denotes an office. A person who holds a civil post under a State holds ‘office’ during the pleasure of the Governor of the State, except as expressly provided by the Constitution, see Art. 310. A post under the State is an office or a position to which duties in connection with the affairs of the State are attached, an office or a position to which a person is appointed and which may exist apart from and independently of the holder of the post. Article 310 (2) contemplates that a post may be abolished and a person holding a post may be required to vacate the post, and it emphasizes the idea of a post existing apart from the holder of the post. A post may be created before the appointment or simultaneously with it. A post is an employment, but every employment is not a post. A post under the State means a post under the administrative control of the State. The State may create or abolish the post and may regulate the conditions of service of persons appointed to the post.”

89. In view of the criteria laid down in the above judgment, as well as the definition of ‘permanent post’, it is concluded that the persons working in the Government controlled Corporations would not be deemed to be holding a post under Section 2-A of the STA, 1973 unless there is warrant under law i.e. that a statute governs appointments and regulates terms and conditions. In this context reference may be made to the employees, who are working on contract basis or are on deputation or fall within the definition of worker or workman, but cannot be considered to be holders of the post, in order to fulfill the requirement of Article 260 of the Constitution, according to which a person will be in the service of Pakistan, if he is holding a post or office in connection with the affairs of the Federation. Similarly, Article 240(a) of the Constitution speaks in respect of services of the Federation, posts in connection with the affairs of the Federation and All Pakistan Services. In order to make out a case for the purpose of hearing before a Service Tribunal, a person falling within the scope of Section 2-A of the STA, 1973, is required to hold a post, otherwise, in absence of such mandatory condition, he would not be deemed to be in

service of Pakistan. Therefore, the Service Tribunal would have no jurisdiction to grant him relief.

90. Mr. M.A. Ghani, learned ASC contended that Civil Servants Act is a substantive law which creates rights and duties whereas Service Tribunals Act is a procedural law and the persons whose cases are covered under Section 2-A of the STA, 1973 are seeking remedy under the substantive law. So long as CSA, 1973 is not amended, incorporating the category of the persons falling within the mischief of Section 2-A of the STA, they cannot claim relief. Reliance in this behalf has also been placed by him on **Divisional Engineer Phones** (ibid).

91. This argument has already been discussed herein above, therefore, need not be repeated.

92. Malik Abdul Qayyum, learned ASC while supporting the arguments of learned Attorney General for Pakistan argued that the efforts should be made to save the enactment instead of destroying it, therefore, he contended that by harmonizing the provisions of Section 2-A of the STA, 1973, it may be declared that the employees of the Government controlled Corporations, whose terms and conditions have been determined by means of a statute, in terms of Article 240 of the Constitution, would be considered to be civil servants, provided they can show that a post or office is held by them; secondly, the employees whose terms and conditions are not governed by a Statute but they are discharging their functions in connection with the affairs of the Federation, they can invoke the jurisdiction of the High Court under Article 199 of the Constitution for the redressal of their grievance; thirdly, the persons who are not covered under these two categories, they may be left to avail the remedy subject to their terms and conditions and; fourth category of the persons shall have the remedy before the forums provided by the labour laws.

93. Mr. Kamal Azfar, learned ASC has rightly contended that Section 2-A of the STA, 1973 only relates to change of forum but does not alter the terms and conditions of the employees, as according to him, there are Corporations who have statutory rules for the

purpose of governing the affairs of their employees and some of the Corporations have got only Regulations, therefore, according to him out of both the categories, the one who fulfilled the requirement of Articles 240 and 260 of the Constitution shall have remedy before the Service Tribunal, constituted under Article 212 of the Constitution and the others may approach to the High Court or the Labour Court as the case may be.

94. The contention of Khawaja Muhammad Farooq, ASC seems to be correct that if the terms and conditions of an employee have not been determined under Article 240 of the Constitution, then they cannot seek remedy before the Service Tribunal and Section 2-A of the STA, 1973 would not be of any help to them. He further emphasized that if there are no statutory rules for governing the terms and conditions of the employees of a Corporation, they have to seek remedy by way of filing a suit for damages as this law is still holding the field. Reliance in this behalf has been placed by him on **Lahore Central Co-operative Bank Ltd. v. Saif Ullah Shah** (PLD 1959 SC 210) and **Ms. Zeba Mumtaz v. First Women Bank Ltd.** (PLD 1999 SC 1106).

95. Likewise, the argument put forward by Ch. Mushtaq Ahmed Khan, learned ASC that clustering of litigation before one Tribunal is against the principle of policy enshrined under Article 37 of the Constitution, therefore, merely for the purpose of providing a forum the employees of Government controlled Corporation/Authority cannot be considered in the service of Pakistan, is also found with force and substance.

96. Mr. Shahid Anwar Bajwa, learned ASC has also advanced convincing argument that according to Article 260 of the Constitution, the Parliament is competent to declare any service to be the service of Pakistan, subject to the condition that terms and conditions of such service shall be governed by a statute or statutory rules, under Article 240 of the Constitution and if it is not possible for the law giver to lay down the terms and conditions of the service under Article 260 of the Constitution, such service cannot be declared to be service of Pakistan. Therefore, according to him, the employees of those statutory Corporations or bodies, who do not fulfill these two tests, cannot be considered to be in the service of Pakistan nor civil servant for the purpose of availing remedy before an administrative tribunal, constituted under Article 212 of the Constitution. His

argument seems to be convincing that the first part of Section 2-A of the STA, 1973, whereby the service of a statutory Corporation has been declared to be the service of Pakistan, seems to be in accordance with the Constitution subject to Articles 240 and 260 of the Constitution but second part is ultra vires of the Constitution because post or office cannot be declared to be the service of Pakistan. Since such persons do not hold any post in connection with the affairs of the Federation, they cannot be deemed to be civil servants.

97. Similarly, Raja Muhammad Akram, learned ASC was right in saying that workers or workmen, whose cases are covered under the IRO, 2002, cannot be declared to be in the service of Pakistan for the purpose of invoking the jurisdiction of the Service Tribunal because their appointment had not taken place by virtue of the terms and conditions laid down by the Legislature under Article 240 of the Constitution nor such persons shall be deemed to be civil servants because they are not holding a permanent post for the purpose of discharging their functions in connection with the affairs of the Federation.

98. Mr. Wasim Sajjad, learned Sr. ASC contended that while examining the vires of Section 2-A of the STA, 1973, it would be appropriate if the Court keeps in mind the social set up of the country, in view of the observation in the case of **Arshad Mehmood** (ibid) and **M/s Ellahi Cotton Mills** (ibid), therefore, if the status of a civil servant is conferred upon a person, covered under Section 2-A of the STA, 1973, it must be kept intact as held earlier in the case of **Farid Ahmed v. Karachi Shipyard and Engineering Works Ltd.** (PLD 1983 Karachi 576), **Nisar Ahmed v. Secretary Ministry of Information** (1984 PLC (CS) 372) and **Printing Corporation of Pakistan v. Province of Sindh** (1990 PLC (CS) 176).

99. Above argument, while making reference to the Constitutional provisions, discussed herein above, has no force. It may also be noted that in the judgments cited by the learned counsel, vires of Section 5 of the Corporation Employees (Special Powers) Ordinance, 1978 (Ordinance No.XIII of 1978) were not examined, therefore, merely for the reason that Legislature has declared the service of a Government controlled Corporation/Authority to be service of Pakistan and such person is holding the post in

connection with the affairs of Pakistan, is not acceptable. However, in view of the principle of taking into consideration the social set up of the country, attempt should be made to extend the benefit of Section 2-A of the STA, 1973 to some of the persons, whose cases are protected by the constitutional provisions i.e. Articles 240 and 260 of the Constitution.

100. Learned counsel also contended that following the case of **L. Chandra Kumar** (ibid), if this Court comes to the conclusion that the provisions of Section 2-A of the STA, 1973 are ultra vires of the Constitution then, it may be held that the judgments delivered by the Service Tribunal are with jurisdiction but they can be challenged before the High Court under Article 199 of the Constitution, or recommendations be made to the Government that against the decision of the Service Tribunal, a right of appeal be given to such employees before the High Court for the purpose of disposing of the cases and; lastly any other appropriate direction, which deemed appropriate by this Court, be issued in this behalf.

101. Syed Iftikhar Hussain Gillani, learned Sr. ASC also stated that instead of striking down Section 2-A of the STA, 1973, it may be interpreted in such a way that the law should be saved and intention of the Legislature can be ascertained. Indeed, Court should refrain from entering into technicalities. He has placed reliance on **Reference by the President No.1 of 1957** (ibid), **Pir Sabir Shah** (ibid) and **Zulfiqar Ali Babu** (ibid). Relevant para from the case of **Pir Sabir Shah** (ibid) is reproduced herein below for convenience:---

“27. The question of the constitutionality of a law, or to put it differently, whether a law is intra vires or ultra vires does not depend upon consideration of jurisprudence or of policy. It depends simply on examining the language of the constitution and of comparing the legislative authority conferred on the Parliament with the provisions of the sub-Constitutional law by which the Parliament purports to exercise that authority.”

102. We have examined the arguments put forward in this context and we are quite in agreement with Syed Iftikhar Hussain Gillani, learned ASC that efforts should be made to

save the law by excluding those portions which appear to be contrary to any Constitutional provision.

103. Dr. Babar Awan, learned ASC also vehemently argued that as Section 2-A of the STA, 1973 has been enacted through an Act of Parliament, therefore, the same should be saved.

104. There can be no cavil with the proposition but the exception is that if any Act of the Parliament is found to be in derogation of any provision of the Constitution, it would not be allowed to hold the field because of the mandate of Constitution, which is supreme for all intents and purposes.

105. Argument by Raja Muhammad Bashir, learned ASC seems to be convincing that there are many employees of statutory Corporations whose terms and conditions of service are regulated by statutory rules, therefore, they would fall within the domain of Section 2-A of the STA, 1973, whereas the Government controlled Corporations, which have got no statutory backing nor any statutory rules governing the terms and conditions of service of their employees, they would not fall within the mischief of Section 2-A of the STA, 1973. Such persons have remedy before the Civil Courts and thirdly as far as the workers or workmen are concerned, can have recourse to the Labour Court, which is now a days being headed by a District & Sessions Judge, therefore, Section 2-A may not be declared ultra vires of the Constitution, in entirety.

106. Mr. Muhammad Akram Sheikh, learned Sr. ASC contended that undoubtedly a category of the persons not covered under the definition of civil servant stands excluded from the definition of the civil servant, has been declared to be civil servant by virtue of Section 2-A of the STA, 1973 but it should not be treated as a discrimination in view of the judgment in the case of Inamur Rehman (ibid) because so far, no argument has been advanced that due to this discrimination, injustice has been caused to some of the persons. He further stated that if at all this Court declares Article 2-A of the STA. 1973 ultra vires

of the Constitution, in respect of those employees whose service conditions are not protected by statutory provisions, they would be governed by the rule of master and servant, a phenomena which has already undergone radical changes, because the intent of the Constitution is to establish an egalitarian society, where all citizens are equal and there should be no concept of master and servant between and employee and employer.

Reference in this behalf has been made by him to **R v. Civil Service Appeal Board** [1988] 3 All E.R. 686 and **Gunton v. London Borough of Richmond upon Thames** [1980] 3 All E.R. 577.

107. In this behalf it may be noted that in **Farasat Hussain**'s case (ibid), while placing reliance on **Zahir Ullah**'s case, it was held that "the concept of master and servant has undergone a radical change during the last couple of years mainly due to insertion of Section 2-A in Service Tribunals Act, 1973". It may be noted that in the said judgment as well, this Court had not examined the vires of Section 2-A of the STA, 1973, therefore, the argument of the learned counsel that this phenomena cannot be re-introduced, has no substance because if Section 2-A is declared to be un-constitutional then position prior to its insertion shall revive. So far as the judgments from the other jurisdictions, relied upon by the learned counsel are concerned, relevance of the same also depends upon the conclusion, which shall be drawn in respect of constitutionality of Section 2-A of the STA, 1973.

108. The threadbare discussion on the subject persuades us to hold :---

1. Section 2-A of the STA, 1973 is, partially, ultra vires of Articles 240 and 260 of the Constitution, to the extent of the category of employees, whose terms and conditions of service have not been determined by the Federal Legislature and by a deeming clause they cannot be treated civil servants as defined under Section 2(1)(b) of the CSA, 1973 and they are not engaged in the affairs of the Federation.
2. Section 2-A of the STA, 1973 cannot be enforced in the absence of amendment in the definition of the civil servant under Section 2(1) (b) of the CSA, 1973.
3. The cases of the employees under Section 2-A, STA, 1973, who do not fall within the definition of civil servant as defined in Section 2(1)(b) of the CSA, shall have no remedy before the Service Tribunal, functioning under Article 212 of the Constitution and they would be free to avail appropriate remedy.

109. Now the question is as to what would be the effect of this judgment on the cases pending before this Court and Federal Service Tribunal. In this behalf it may be noted that following the rule of past and closed transactions, laid down in the case of **Mehram Ali v. Federation of Pakistan** (PLD 1998 SC 1445), it is directed as follows:-

- a) The cases which have been decided finally by this Court in exercise of jurisdiction under Article 212(3) of the

Constitution shall not be opened and if any Review Petition, Misc. Application or Contempt Application, filed against the judgment is pending, it shall be heard independently and shall not be affected by the ratio of this judgment.

- b)** The proceedings instituted either by an employee or by the an employer, pending before this Court, against the judgment of the Service Tribunal, not covering by category (a) before this Court or the Service Tribunal shall stand abated, leaving the parties to avail remedy prevailing prior to promulgation of Section 2-A of the STA, 1973
- c)** The cases or proceedings which are not protected or covered by this judgment shall be deemed to have abated and the aggrieved person may approach the competent forums for redressal of their grievances within a period of 90 days and the bar of limitation provided by the respective laws, shall not operate against them till the expiry of stipulated period.
- d)** The cases in which the order of Service Tribunal has been implemented shall remain intact for a period of 90 days or till the filing of appropriate proceedings, which ever is earlier.
- e)** The Service Tribunal shall decide pending cases under Section 2-A of the STA, 1973 in view of the above observations. However, if any of the cases is covered by clause 'c' (ibid), a period of 90 days shall be allowed to aggrieved party to approach the competent forum for the redressal of its grievance.