

**ORDER SHEET**  
**HIGH COURT OF SINDH, KARACHI**

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C.P. No.D-8361 of 2017

Date	Order with signature of Judge
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**Present**

**Mr. Justice Muhammad Ali Mazhar.**

**Mr. Justice Agha Faisal.**

Hakeem Muhammad Fareed Faizi .....Petitioner

Versus

Federation of Pakistan & others .....Respondents

**Date of hearing 01.02.2019**

Petitioner is present a/w his counsel Ms. Shabana Ali advocate.

Mr. Muhammad Safdar advocate for the respondent No.2.

Mr. Ishrat Zahid Alvi, Assistant Attorney General.

Muhammad Ismail, Registrar, National Council for Tibb, Islamabad.

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**Muhammad Ali Mazhar, J:** The case of the petitioner is that he was elected as member of National Council for Tibb from Sindh seat and was also heading the Inspection & Education Committee of the National Council for Tibb as Chairman. He has approached this court for declaration that impugned letters dated 19<sup>th</sup> & 20<sup>th</sup> October, 2017 issued by National Council for Tibb are illegal and against the provisions of Unani Ayurvedic and Homeopathic Practitioners Act, 1965. He further prayed for declaration that he is still empowered to perform as Chairman of Inspection & Education Committee. Directions have also been sought against the respondent No. 1 and 2 to appoint members of National Council for Tibb in all committees including Examination Committee and sub-Committees equally from all provinces. At page 283 a letter is available in which the petitioner raised certain allegations and finally in concluding paragraph, he tendered resignation from Chairmanship of Inspection & Education Committee and some other committees.

2. The bone of contention raised by the petitioner that this resignation was never sent to the Council but on the contrary the seal of the Council is available on this letter to show that it was received on 17.10.2017. As far as impugned letters are concerned, the same are available at page No. 219 and 221. On 19.10.2017 Registrar, National Council for Tibb informed the petitioner with reference to his letter dated 18.10.2017 and it is stated in the letter that prior to resignation of the petitioner the Council in its 08<sup>th</sup> regular meeting held on 17.10.2017 had already reconstituted all committees of the Council. The letter dated 18.10.2017 was allegedly communicated by the petitioner for withdrawal of his resignation, therefore, in both the impugned letters dated 19.10.2017 and 20.10.2017 the Registrar communicated to the petitioner that as long as membership of the rest of the committees is concerned, the resignation as member from committees of the petitioner and its withdrawal will be put up before the Council which is sole authority to decide.

3. At this juncture, we would like to point out that withdrawal letter dated 18.10.2017 was pointed out to the petitioner and he denied having written/signed any such letter and as far as resignation letter is concerned, he submits that no such resignation was ever circulated or submitted to the Council. He submits that he prepared this letter for improvement of working of the Council and he does not know how this letter was circulated or submitted to the Council. The explanation given by the petitioner seems to be illogical to us, however, today Registrar of the National Council for Tibb is present and he submits that as far as issue of resignation of the petitioner as well as constitution of committee on which he has raised some objections is concerned, National Council for Tibb may convene a meeting that will be assembled on 20.02.2019 at Islamabad and he agrees that the grievances of the petitioner will be considered and the Council will hear all the grievances of the petitioner and decide the same after

providing ample opportunity of hearing to the petitioner who is otherwise the member of the Council. The petitioner and his counsel both agree to this proposal given by the Registrar and the petition is disposed of by consent accordingly.

JUDGE

JUDGE

Aadil Arab