

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

C. P. No. D-2603 of 2022

Present:

Ahmed Ali M. Shaikh, CJ
and Yousuf Ali Sayeed, J

Petitioners : NBP Officers Welfare Association and others through Rafique Ahmed Kalwar, Advocate.

Respondents : Nemo.

Date of hearing : 27.04.2022.

ORDER

YOUSUF ALI SAYEED, J. - The Petitioners, being the National Bank of Pakistan Officers Welfare Association (“**the Association**”) and some of its Members who are presently employed with the National Bank of Pakistan (“**NBP**”), have invoked the jurisdiction of this Court under Article 199 of the Constitution, alleging that from 2014 to date the management of NBP has been engaged in various illegal acts said to constitute corruption and corrupt practices under the National Accountability Ordinance (NAO), 1999, due to which a loss of USD 55.00 Million has been caused, which is stated to be a loss to the public exchequer.

2. In that broad backdrop, the Petitioners have prayed that this Court be pleased to:-

A. Declare that the omissions and deliberate & persistent non-compliance by the management of the Bank and delinquent officials and group heads of the Bank and the Branch, from year 2014 till now, despite the multiple warnings from the concerned authorities, resulting in penalty of USD 55 Million, are totally illegal, unlawful amounting to non-feasance, corruption, corrupt practices, willful negligence and unconstitutional;

B. Direct the Respondent No.1 and 8 to probe the issue of penalty of USD 55 Million through the consent orders executed between the Bank and the Department & FRS and the preceding persistent non-compliance and inaction by the management of the Bank and the New York Branch, through the Respondent No.9 and 10;

C. Direct the Respondent No.2/ Bank to place the Notifications of all the delinquent and relevant officials of the bank and members of the Board of Directors of the Bank, who were responsible for the above referred non-compliance and deliberate persistent failures from year 2014 till now, resulting in penalty of USD 55 Million against the Respondent No.2 Bank;

D. Pass ad-interim orders restraining the Respondent No.2 from taking any coercive and vindictive action against the Petitioners for filing the instant Petition, till the final disposal of the instant Petition;

E. Grant Costs;

F. Grant any further or better relief that this Hon'ble Court may deem just and proper in the facts and circumstances of the case.”

3. Having heard learned counsel for the Petitioners and examined the pleadings, it is discernible that the Petition proceeds on a completely general plane and no details of any specific act of omission or commission constituting misfeasance or malfeasance has been made against any particular functionary of NBP. The Petition also does not fall within the object of the Association, and the remaining Petitioners also lack locus standi.

4. Even otherwise, we are of the view that a matter of the given nature does not require intervention by this Court in exercise of the extraordinary Constitutional jurisdiction under Article 199, and if the Petitioners have any cogent material to substantiate their allegations of an offence having been committed, whether under the NAO or otherwise, the same may be placed before the concerned anti-graft agency for consideration and action in accordance with law.

5. In view of the foregoing, the case of the Petitioners appears to be misconceived and devoid of force. Hence while granting the request for urgency, we dismiss the Petition *in limine* along with other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE

Karachi.
Dated: