

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

C. P. NO. D-8351 / 2017 a/w  
C. P. NO. D-4499, 6109, 6650, / 2015  
C. P. NO. D-1417, 2175, 2176, 3075, 3132, 3252 / 2016  
C. P. NO. D-1467, 1986, 4504, 4642, 5002, 6288, 937 / 2017  
C. P. NO. D-5935 / 2018  
C. P. NO. D-2859 & 4190 / 2019

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Date	Order with signature of Judge
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For orders as to maintainability of Petition.

**15.12.2022.**

M/s. Muhammad Nishat Warsi, Asad Halepota, Umer Farooq Khan, Advocates for Petitioners.  
Mr. Syed Yasir Shah, Assistant Attorney General.  
Mr. Ch. Muhammad Farooq, Advocate for Respondent (NADRA).  
Ms. Samina Iqbal Law Officer, NADRA.

During hearing of these Petitions on 14.04.2022 an objection was raised on behalf of Respondents / NADRA regarding maintainability of these Petitions on the ground that this issue already stands decided by various pronouncements of this Court as well as Hon'ble Supreme Court, and since then these matters are coming up as to the said objection and time and again adjournments have been sought on behalf of the Petitioners, whereas, ad-interim orders are operating in these Petitions since filing of the same.

It appears that the Petitioners are employees of National Database Registration Authority (NADRA); and are aggrieved with respective departmental proceedings relating to their terms and conditions of the service, either by way of Show Cause Notice; or termination / dismissal orders. From time to time, all these Petitions have been entertained by this Court and ad-interim orders have been passed. The objection regarding maintainability has been raised on behalf of NADRA pursuant to various judgments of this Court as well as of the Hon'ble Supreme Court in the case of *Major Retd. Syed Muhammad Tanveer Abbas and other connected appeals Vs. Federation of Pakistan through its Ministry, Ministry of Interior & Others* (2019 SCMR 984). While confronted Petitioners Counsel have collectively argued that the facts of said case were different inasmuch as the Petitioners in those cases were not regular employees of NADRA; hence, the ratio of the said judgment would not apply. It further appears that subsequently, a learned Division Bench of

this Court after passing of the Judgment by the Hon'ble Supreme Court as above, in the case of **Muhammad Abid Shahzad v Federation of Pakistan & others** (CP No.6110 of 2015 and other connected matters) vide a common order dated 29.08.2019 has been pleased to hold that since the service rules of NADRA are non-statutory; therefore, even regular employees in the service of NADRA cannot seek any remedy by way of a Constitutional Petition under Article 199 of the Constitution. Again while confronted, Mr. Asad Halepota, one of the learned Counsel has referred to order dated 13.08.2020 passed by the Hon'ble Supreme Court in the case of *Syed Anees Ali Vs. Federation of Pakistan & Others* (C.P. No. 512-K of 2019) and other connected matters, and submits that the said Judgment of the learned Division Bench of this Court as above has been impugned and leave has been granted. We have perused the said order and it reflects that though leave has been granted; but the Judgment has not been suspended nor any further restraining orders have been passed. Therefore, the said judgment, being on identical issue of maintainability is binding on us and we are not inclined to take a contrary view, coupled with the fact that now the matter is already sub-judice before the Hon'ble Supreme Court.

In view of the above and for the reasons that the Judgment of the learned Division Bench dated 29.08.2019 passed in C. P. No. D-6110/2015 is still in field on identical facts wherein, regular employees of NADRA had challenged disciplinary proceedings i.e. dismissal from service and issuance of Show Cause Notices, in Constitutional petitions which stands dismissed; we do not see any reason to entertain these petitions any further; hence, all these Petitions are dismissed for the reasons so assigned in the Judgment passed by this Court in the case of **Muhammad Abid Shahzad v Federation of Pakistan & others** (CP No.6110 of 2015 and other connected matters) vide order dated 29.08.2019 as above.

**J U D G E**

**J U D G E**

Arshad/