ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No. 1953/2019

Ashfaq Hussain
Versus

Pakistan Atomic Energy Commission.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	30-03-2021	

For reasons recorded in our detailed consolidated judgment of even date, passed in W.P. No.1502/2019 titled *'Waqas Rafi Awan v. National Engineering & Scientific Commission, Islamabad through its Chairman & 2 others'*, the instant petition stands **dismissed.**

(CHIEF JUSTICE)

(MOHSIN AKHTAR KAYANI)
Judge

(FIAZ AHMAD ANJUM JANDRAN)
Judge

Announced in the open Court on 06th May, 2021.

(CHIEF JUSTICE)

Judge

Judge

LUQMAN KHAN/*

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ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD (JUDICIAL DEPARTMENT)

W.P. No.1502/2019

Waqas Rafi Awan

Versus

National Engineering & Scientific Commission, Islamabad through its Chairman & 2 others

Petitioners by	:	Mr Muhammad Shoaib Shaheen, Advocate. Mr Sajee Sheryar Swati, Advocate. Syed Saif Ur Rehman Shah Bukhari, Advocate. Mr Ali Murad Baloch, Advocate. Mr Nauman Munir Paracha, Advocate. Mr Sifat Ullah, Advocate. Mr Ehsan Ali Qazi, Advocate. Mr Zubair Shah, Advocate. Mr Asim Shafi, Advocate. Ms Shireen Imran, Advocate. Mr Mudassar Hussian Malik, Advocate. Syed Amar Hussain Shah, Advocate. Mr Muhammad Rizwan, Advocate. Mr Amir Mehmood, Advocate. Mr Junaid Iftikhar Mirza, Advocate. Mr Khalid Munir, Advocate. Mr Ammad Nasir Kundi, Advocate. Ms Saira Khalid Rajput, Advocate. Ms Aqsa Zahid, Advocate. Mr Rashid Hafeez, Advocate. Mr Saad Khan Akhunzada, Advocate. Mr Aamir Abbasi, Advocate. Mr Aftab Alam Yasir, Advocate. Syed Shahbaz Shah, Advocate. Rana Liaqat, Advocate. Syed Umer Sohaib Shah, Advoate. Mr Abid Majeed, Advocate. Mr Riaz Hussain Azam Bopera, Advocate. Mr Faisal Iqbal Khan, Advocate. Mr Raheel Azam Khan Niazi, Advocate. Malik Nasir Abbas Awan, Advocate. Mr M. Umair Baloch, Advocate.
Petitioners in person	:	Mr Ghulam Murtaza Dahar, Mr M. Saleem Shahzad, Mr Akhtar Zaman, Mr Usman Naveed, Mr Alaud Din, Mr Muhammad AFzal, Mr Abdul Hameed, Mr Nisar Bhatti, Mr Shayal Islam, Mr Munawar Ahmed, Mr Rashid Maqsood Ahmed, Raja M. Sarfraz, Raja Mansoor Ul Haq, Mr Mumtaz Ali, MrAshiq M. Hanif, Mr M. Ismail Gill, Syed Atif Mehmood, Mr Gohar Rehman, Mr Bilal Zaman, Mr Abdul

Rehman, Mr Naveed Ali, Mr Aurangzeb Abbasi, Mr Farman Ullah, Mr Akhtar Mehmood, Mr M. Waqas Qureshi, Mr M. Naseer Ashraf, Mr Intizar Hussain.

Respondents by : Mr Ahmer Bilal Soofi, Advocate.
Barrister Iqbal Khan Nasir, Advocate.
Mr Masood Ahmed Khattak, Advocate.
Mr Usman Jillani, Advocate.
Ms Bakhtawar Bilal Soofi, Advocate.
Ms Zainab N. Khan, Advocate.
Mr Ali Ahmed Bhatti, Advocate.
Mr M. Majid Bashir, Advocate.

Mr M. Umer Asghar Pasha, A.M. (Legal), PMO, NESCOM.
Mr Naveed Aslam, Law Officer, yNDC.
Mr Khalid Mehmood, Law Officer, PAEC.
Mr Obaid, Law Officer, MTC.
Cdr. Hussain Shahbaz, Law Officer, SPD.
Mr Zaheer Ud Din Babar, SPTO, KRL.

Date of Hearing : **30-03-2021.**

ATHAR MINALLAH, C.J.- Through this consolidated judgment, we will decide the question of maintainability of the petitions listed in **"Annexure-A"** attached hereto.

2. The petitioners are or had been in the employment of the National Command Authority (*hereinafter referred to as the* ***"Authority"***) or one of the Strategic Organizations notified under section 8 of the National Command Authority Act 2010 (*hereinafter referred to as the* ***"Act of 2010"***). In all the petitions, the grievances of the petitioners relate to their employment. A preliminary question was raised regarding the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (*hereinafter referred to as the* ***"Constitution of 1973"***) to entertain and adjudicate upon the prayers sought in the petitions. The objection was raised in the context of the amendment made in the Act of 2010

whereby a proviso was inserted in section 15 through the National Command Authority (Amendment) Act, 2016 (*hereinafter referred to as the* ***"Amendment Act"***). Before adverting to the arguments raised by the learned counsels for the parties, it would be beneficial to briefly survey the legislative history of the Act of 2010 leading to the insertion of the proviso to section 15 ibid.

Legislative History.

3. The Act of 2010 was promulgated and published in the official gazette on 11-03-2010. The object for the enactment of the Act of 2010 was explicitly described in its preamble as the necessity and expediency to establish the Authority for complete command and control over research, development and production and use of nuclear and space technologies and other related applications in various fields and to provide for the safety and security of all personnel, facilities, information, installations or organizations and other activities or matters connected therewith or ancillary thereto. Section 2 defines various expressions. "Employee" is defined in section 2(c) as meaning any official, employee, etc., whether in the service of the Authority or the Strategic Organizations, serving or retired and includes those on deputation or secondment within Pakistan or abroad and those studying abroad. Likewise, the expression "Strategic Organization" is defined in section 2(d) as meaning such a body notified by the Authority to be a Strategic Organization and includes the entities mentioned therein. The composition of the Authority has been described in sub section (4) of section 3 while sub section (3) declares

the Prime Minister of Pakistan to be its Chairman. Sub section (4) of section 3 describes the other members as follows.-

> *"(4) The other members of the Authority shall be the,*
>
> *(a) Minister for Foreign Affairs;*
> *(b) Minister for Defence;*
> *(c) Minister for Finance;*
> *(d) Minister for Interior;*
> *(e) Chairman Joint Chiefs of Staff Committee;*
> *(f) Chief of Army Staff;*
> *(g) Chief of Naval Staff; and*
> *(h) Chief of Air Staff."*

Section 3(6) provides that the Authority is empowered to form such committees and entities as it may deem fit in order to regulate matters relating to the objects and purposes of the Act of 2010. Section 4 explicitly provides that all the powers and functions shall vest in the Authority. The powers and functions are described in section 7. Clause (a) of section 7 empowers the Authority to exercise complete command and control over all nuclear and space related technologies, systems and matters. The supervision, management and coordination relating to administration, management and control is one of the functions and powers vested in the Authority. Section 7(d) empowers the Authority to prescribe specific terms and conditions of the employees, including but not limited to appointments, removals, promotions, transfers, integrity and reliability assessment and other related matters. Likewise clause (e) empowers the Authority to create classification amongst employees based on the sensitivity of the

functions, nature of assignment, security considerations and having regard to the interest of the security of Pakistan while clause (f) makes it an exclusive domain of the Authority to take measures in relation to the employees in respect of their movement, communication, privacy, assembly or association, in the public interest or in the interest of the integrity, security or defence of Pakistan or friendly relations with foreign states and public order. Section 7(g) explicitly empowers the Authority to prescribe such restrictions and limitations on the employees that may be necessary in the interest of confidentiality of the functions, assignments, jobs etc. performed by them or a class of employees. Ensuring the security and safety of establishments and facilities etc., of the Strategic Organizations, nuclear materials and safeguarding all information and technologies relating thereto is a statutory duty of the Authority. Clause (i) of section 7 makes it an obligation of the Authority to ensure the security and safety of the establishments and facilities etc., of the Strategic Organizations while clause (j) describes the powers in relation to rendering security and ensuring the safety of serving or retired employees. Section 7(m) describes the functions of the Authority regarding non-proliferation, safety, security, accidents, terrorism and any other related matter. Taking measures in respect of movement, communication and interaction etc. of an employee or person who is suspected of an attempt to commit an offence under the Act of 2010 is a crucial statutory duty of the Authority. Section 9(1) has declared that upon notification of a Strategic Organization, its employees will attain the status as employees in the service of the Authority; section 9(2) exclusively empowers the Authority to regulate

all the matters relating to the terms and conditions of service of the employees in the service of the Authority, including their appointment and removal, promotion, transfer, integrity assessment, reliability, security clearance and other related matters. Section 11 provides a statutory right of appeal to an employee if the latter is aggrieved by any order, action or inaction in respect of the terms and conditions of the latters' service. Section 15 provides that the Authority may make rules for carrying out objects of the Act of 2010. The Authority has so far made various rules in the exercise of its powers vested under section 15, which are as follows.-

i. Employees Service Rules, 2011 (Revised)
ii. Employees Service Regulations, 2007 (Revised)
iii. Service Regulations National Command Authority, 2004
iv. Employees Efficiency & Discipline Rules, 2010
v. Medical Attendance & Treatment Rules, 2010
vi. Delegation of Financial & Administrative Powers for Strategic Commissions/Organizations under NCA, 2007
vii. "Delegation of Powers" – (Financial & Administrative) NESCOM, December 2000
viii. Security Rules, 2011
ix. Transport Rules, 2010
x. Accommodation Allocation Rules, 2010
xi. Leave Rules, 2016
xii. NCA Employees (Appeal) Rules, 2019

4. When the Bill that ultimately led to the enactment of the Act of 2010 was moved before the Majlis-e-Shoora (Parliament) for consideration, its mover, the then Minster for Parliamentary Affairs had, inter alia, emphasized the sensitive and classified area of work

for the protection whereof the Authority was proposed to be established. Reference was specifically made to the UNSC Resolution 1540 so as to emphasise the necessity of conferring certain extraordinary powers.

5. Prior to the amendments made through the Amendment Act, employees of the Authority had been resorting to invoking the extra ordinary jurisdiction of the High Courts under Article 199 of the Constitution. There was ambiguity regarding the status of employees of the Authority as to whether the relationship was in the nature of 'master and servant' or that the rules were statutory. This controversy was finally settled by the august Supreme Court in the case titled *'Shafique Ahmed Khan and others v. NESCOM through Chairman, Islamabad and others'* [PLD 2016 SC 377]. The august Supreme Court declared and held that the rules/regulations governing the terms and conditions of service of employees of the Authority were 'statutory'. The relevant portion of the reasoning is reproduced as follows.-

> *"…Yes, these Rules have not been framed with the intervention and approval of the Federal Government, but that would not prevent them from being statutory. Firstly because, approval of the Federal Government was not required either under Section 9 or Section 15 of the Act; secondly because, all those who call the shots were already on the board while framing the Rules and thirdly because, the scope and area of their efficacy not only stretch beyond the employees of the Authority but overarch many other strategic Organizations including nuclear and space related technologies systems and*

matters, as are mentioned in Sections 8 and 9 of the Act…"

6. It is noted that subsequently the august Supreme Court in the case titled *'Mustafa Impex, Karachi and others v. The Government of Pakistan through Secretary Finance, Islamabad and others'* [PLD 2016 SC 808], interpreted the expression "Federal Government" in the light of the constitutional provisions. The said judgment was rendered on 18-08-2016. It was held that the expression "Federal Government" meant the Prime Minister and the members of the Federal Cabinet. Moreover, in the case titled *'Pakistan Medical and Dental Council through President and 3 others v. Muhammad Fahad Malik and 10 others'* [2018 SCMR 1956], the august Supreme Court has further elaborated that the application of the judgment in the 'Mustafa Impex' case, supra, would have prospective effect.

7. The Majlis-e-Shoora (Parliament) enacted the Amendment Act whereby a proviso was inserted in section 15 of the Act of 2010. The Amendment Act was promulgated and published in the official gazette on 31-12-2016 i.e after the judgment of the august Supreme Court which declared the rules as statutory was rendered. Section 15 of the Act of 2010, as it stands after insertion of the proviso through the Amendment Act of 2010, is as follows.-

"15. Power to make Rules.- The Authority may make rules for carrying out the objectives of this Act.

> *"Provided that notwithstanding anything contained in any judgment decree, order, direction or declaration of any Court including the Supreme Court of Pakistan or in this Act or in any other law for the time being in force, the rules, instructions or employees and strategic organizations of the Authority shall be non-statutory unless approved by the Federal Government and Published in the Official Gazette of Pakistan."*

8. The Bill for the Amendment Act was introduced in the Majlis-e-Shoora (Parliament) by the then Minister for Defence. The latter had described the object and reasons for the proposed amendments as follows.-

> *"It is necessary and expedient to amend the National Command Authority Act, 2010 (V of 2010) (hereinafter the Act) to provide more clearly that the Federal Government shall ensure provision of funds and to further reiterate the original intent of the NCA Ordinance 2007 and NCA Act 2010 that the employees in service of the Authority are not civil servants and that legal relationship of the Authority with its employees is governed under the doctrine of master and servant and further the proposed amendment shall also prevent the abuse of legal process in respect of affairs of state."*

9. The respondents, during the course of arguments, had placed before us copies of the parliamentary debates relating to the proposed amendments. Perusal of the parliamentary debates, particularly in the Upper House i.e. the Senate of Pakistan, shows that the Bill was passed after extensive deliberations and was considered

by the Standing Committee on Defence twice. In a nutshell, the entire emphasis of the debate was the need to safeguard the Authority from being exposed to weakening of its control and command over the sensitive activities and functions entrusted to it. The stress was in relation to the necessity of protecting the internal administrative management and discipline. The discussion had unambiguously affirmed the intent and purpose of the legislature. There was specific reference to the 'original intent' behind the promulgation of the Act of 2010 and it was explicitly stated that through the amendments the intent was being clarified. The paramount object was to affirm that the legislature had intended to declare that 'the employees of the Authority were not civil servants and that the legal relationship of the Authority with its employees was governed under the doctrine of master and servant ...". The concerns regarding security and protection of sensitive information, including details of the personnel engaged in the highly classified activities, had dominated the debate in the Majlis-e-Shoora (Parliament). The legislature, through the amendments, unambiguously wanted its intent to be known and declared with clarity. The intention was to remove any ambiguity regarding the status of the employees. The object was obvious; the Majlis-e-Shoora (Parliament), by inserting the proviso in section 15 of the Act of 2010, intended to remove doubts or ambiguities which had led to rendering the judgment by the august Supreme Court in the case titled *'Shafique Ahmed Khan and others v. NESCOM through Chairman, Islamabad and others'* [PLD 2016 SC 377]. It was extraordinary and exceptional for the Majlis-e-Shoora (Parliament) to exercise its competent jurisdiction under the Constitution to remove

the ambiguities and explicitly declare the rules relating to employees as non-statutory. It was a legislative fiat to neutralize and overcome the effect of the judgments of the superior courts.

Contentions of the Petitioners.

10. With the consent of the learned counsels, the arguments on behalf of all the petitioners were advanced by Mr Muhammad Shoaib Shaheen, ASC. He has contended that; the law laid down by the august Supreme Court in the case of *'Shafique Ahmed Khan and others v. NESCOM through Chairman, Islamabad and others'* [PLD 2016 SC 377] continues to be operative and in the field despite the insertion of the proviso to section 15 through the Amendment Act; paragraph 9 of the said judgment remains unaffected because the insertion of the proviso without amending the other relevant provisions is of no consequence; the Amendment Act was promulgated to nullify the law laid down by the august Supreme Court and by doing so the legislature has violated the fundamental rights guaranteed under Articles 9, 10A, 18 and 25 of the Constitution; a law laid down by the august Supreme Court cannot be nullified or annulled through an amendment unless it is for bonafide reasons and intent; the vested right of the employees could not be taken away by giving retrospective effect to the amendment; the Amendment Act and the insertion of the proviso to section 15 is ultra vires the Constitution and the law laid down by the august Supreme Court in the cases titled *'Muhammad Tariq Badr and another v. National Bank of Pakistan and others'* [2013 SCMR 314], *'Contempt Proceedings Against Chief*

Secretary, Sindh and others' [2013 SCMR 1752], '*Shafique Ahmed Khan and others v. NESCOM through Chairman, Islamabad and others'* [PLD 2016 SC 377]; the accrued rights could not have been taken away and reliance in this regard has been placed on the case titled '*Muhammad Tariq Badr and another v. National Bank of Pakistan and others'* [2013 SCMR 314]; the insertion of the proviso was beyond the scope of an amendment; the amendment, whereby the proviso was inserted, was not a bonafide legislative act of the Majlis-e-Shoora (Parliament).

11. Mr Sajeel Sheryar Swati, AHC, has appeared on behalf of some of the petitioners and has contended that; the latter have raised grievances relating to refusal on the part of the Authority and the Strategic Organizations to regularize their services; regularization does not come within the ambit of 'terms and conditions' of service; reliance has been placed on the judgment of the august Supreme Court, dated 21-01-2020, passed in Civil Petitions No.1762 and 1763 of 2016, titled '*Administrative Officer, KCP Workshops (PAEC), Khushab and Another v. Nazir Ahmed and others'*, '*Messrs State Oil Company Limited v. Bakht Siddique and others'* [2018 SCMR 1181], '*Syed Faisal Ali and 16 others v. Federation of Pakistan through Secretary Water and Power Development Authority Islamabad and 4 others*' [2019 PLC (CS) 751], '*Pir Imran Sajid and others v. Managing Director/General Manager (Manager Finance) Telephone Industries of Pakistan and others'* [2015 SCMR 1257], '*Pakistan International Airlines Corporation through Chairman and others v. Samina Masood*

and others' [PLD 2005 SC 831], '*The Chairperson, National Commission for Human Development and others v. Abdul Jabbar Memon and others'* [2018 PLC (C.S.) Islamabad 73].

12. One of the petitioners, namely Ghulam Murtaza Dahir, has appeared in person and has adopted the arguments advanced on behalf of the petitioners.

Contentions on behalf of the Respondents.

13. Mr Ahmer Bilal Soofi, ASC, has appeared on behalf of the Authority and has argued that the insertion of the proviso through the Amendment Act was validly made because the Majlis-e-Shoora (Parliament) was competent to do so; the effect of the judgment of the august Supreme Court in the case titled '*Shafique Ahmed Khan and others v. NESCOM through Chairman, Islamabad and others'* [PLD 2016 SC 377] was to declare the rules/regulations governing the terms and conditions of service of employees of the Authority as statutory; the said declaration had excluded the employees of the Authority from the ambit of the expression 'master and servant'; the Authority and the notified Strategic Organizations under its jurisdiction are entrusted with highly sensitive functions on behalf of the State; the work and activities carried out by the Authority and the Strategic Organizations is of paramount public importance; it is relatable to national security; the employees of the Authority are selected after careful scrutiny and their salary and privileges are more favourable

than persons employed in other organizations; the employees, in order to redress their grievances relating to their employment, have been provided with various forums; the right of appeal and review is provided under the law; the amendment, whereby the proviso was inserted, was not intended to deny remedies to the employees but was for the purpose of safeguarding the security of the highly sensitive programmes; judicial review of grievances relating to employment disputes of the employees could expose the Authority and the Strategic Organizations to leakage of sensitive information and relating to personnel working in the organizations; the Authority has always taken care of its employees and their welfare; the empathy of the Authority towards its employees is evident from the fact that multiple forums have been created for resolution of disputes/grievances relating to employment; the Majlis-e-Shoora (Parliament) is competent to declare the status of employees and determine their relationship with their employers, as established under the Act of 2010; the right of access to justice is not denied to the employees merely because they have a relationship of 'master and servant'; the Majlis-e-Shoora (Parliament) is competent to overturn a pronouncement or judgment of the superior judiciary; reliance has been placed on the cases titled *'Haji Ghulam Rasul and others v. Government of the Punjab through Secretary, Auqaf Department, Lahore'* [2003 SCMR 1815], *'Zaman Cement Company (Pvt) L td v. Central Board of Revenue and others'*[2002 SCMR 312], *'Messrs Mamukanjan Cotton Factory v. The Punjab Province and others'* [PLD 1975 SC 50],*'Baz Muhammad Kakar v. Federation of Pakistan through Ministry of Law and justice and others'* [PLD 2012 SC 923]; it is the

prerogative of the Majlis-e-Shoora (Parliament) to declare the status of the employees and the latters' relationship with an entity established through a statute; reliance has been placed on the case titled *'Anwar Hussain v. Agricultural Development Bank of Pakistan and others'*[PLD 1984 SC 194], *'Pakistan Red Crescent Society and another v. Syed Nazir Gillani'* [PLD 2005 SC 806]; it was essential for the purposes of effective management and control of the employees and compliance with the UNSC Resolution 1540 to prevent information relating to the personnel etc. of the Authority and its strategic organizations from becoming public; in order to achieve the said purpose, it was inevitable to declare the status of the employees and relationship with the employer as being in the nature of 'master and servant'; the scheme of the Act of 2010 and the proviso inserted through the Amendment Act unambiguously establishes the intent of the legislature.

14. The learned counsels have been heard and the record perused with their able assistance.

This Court's Opinion.-

15. The petitioners are serving or had served as employees of the Authority or one of its notified Strategic Organizations. They have invoked the extra ordinary jurisdiction of this Court under Article 199 of the Constitution, raising grievances which relate to their employment. As already noted above, the controversy regarding the

status of the rules framed by the Authority' as to whether they were statutory and, thus, as a corollary that the grievances relating to employment disputes were amenable to the jurisdiction of a High Court under Article 199 of the Constitution, was settled by the august Supreme Court in the judgment titled *'Shafique Ahmed Khan and others v. NESCOM through Chairman, Islamabad and others'* [PLD 2016 SC 377]. The reasoning of the apex Court for declaring the rules as statutory have been reproduced above. The said judgment was rendered on 21-01-2016. Subsequently a Bill was introduced in the Majlis-e-Shoora (Parliament). It was referred to the Standing Committee on Defence twice. After being debated extensively, the Bill was passed by both the Houses and, consequently, it was assented to by the President and notified in the official gazette on 31-12-2016 as the Amendment Act. A proviso was inserted in section 15 of the Act of 2010. It is obvious from the parliamentary debates and the language used by the legislature that the intent was to explicitly declare the status of the rules relating to employees and by implication the effect of the judgment of the august Supreme Court was neutralized and overcome. The Majlis-e-Shoora (Parliament), in fact, intended to unambiguously clarify and reiterate its 'original intent' in promulgating the Act of 2010. It was obvious from the statement of the mover of the Bill which led to the enactment of the Amendment Act that it had always been the intention of the Majils-e-Shoora (Parliament) that the employees of the Authority would enjoy the status of 'master and servant'. The expression 'master and servant' is not in any manner demeaning nor connotes a degrading status. It refers to a generic legal phrase having specific consequences such as employment

disputes are not amenable to the jurisdiction of a High Court under Article 199 of the Constitution or that when such a relationship exists between an employer and employee then in case of termination the latter cannot claim a right to be reinstated but would be entitled to ask for damages if he/she is able to establish being wrongfully removed. These principles are imbedded in our jurisprudence and reference in this regard may be made to the cases of *'The Principal, Cadet College, Kohat and another v. Muhammad Shoab Qureshi'* [PLD 1984 SC 170], *'Sindh Road Transport Corporation through its Chairman v. Muhammad Ali G. Khokhar'* [1990 SCMR 1404], *'Raziuddin v. Chairman, Pakistan International Airlines Corporation and 2 others'* [PLD 1992 SC 531], *'Muhammad Umar Malik v. The Muslim Commercial Bank Ltd. through its President, Karachi and 2 others'* [1995 SCMR 453], *'Pakistan Red Crescent Society and another v. Syed Nazir Gillani'* [PLD 2005 SC 806], *'Chairman, WAPDA and 2 others v. Syed Jamil Ahmed'* [1993 SCMR 346], *'Anwar Hussain v. Agricultural Development Bank of Pakistan and others'* [PLD 1984 SC 194], *'Gohar Ali and another v. Messrs Hoechst Pakistan Limited'* [2009 PLC (CS) 464], *'Messrs Malik and Haq and another v. Muhammad Shamsul Islam Chowdhury and two others'* [PLD 1961 SC 531].

16. The relationship of 'master and servant' arises out of the law. By now it is settled law that it is within the exclusive domain of the Majlis-e-Shoora (Parliament) to make its intention known through legislation in the context of the relationship between an employer and

the latter's employees. The employees of public sector entities, which are established through legislation by the Majlis-e-Shoora (Parliament), are regulated by codes, regulations or rules made under the parent statute. The statute determines the nature of the relationship between the employer and an employee. Such a relationship does not fall short of the fundamental tenets of the Constitution nor infringes any rights. In the case in hand the controversy is not whether the rule of master and servant is in conflict with the constutional tenets and fundamental rights but whether the effect of the judgment, wherein the provisions of the Act of 2010 were interpreted and consequently the rules regulating the employees were declared statutory, could have been brought to naught or nullified.

17. The sole question that has arisen for our consideration is to discover the intent of the Majlis-e-Shoora (Parliament) in inserting the proviso in section 15 through the Amendment Act and whether it would qualify the test of declaring it intra vires or, more precisely, whether it was within the competence of the Majlis-e-Shoora (Parliament) to render the interpretation of the august Supreme Court ineffective through legislation. Before answering the question, it would be beneficial to examine some relevant principles.

18. It is noted that a court is not empowered to legislate but only to interpret the law. The fundamental principle of interpretation is to discover and determine the intent of the legislature. While

interpreting a provision, the statute has to be read as a whole in its context. The object and purpose of the statute is of paramount importance and a provision cannot be read and interpreted in isolation. The task of this Court is, therefore, to discover the intention of the legislature and to examine the vires of the Amendment Act, as has been argued on behalf of the petitioners.

Significance Of Parliamentary Debates in relation to discovering the intent of legislation and scope of jurisdiction of a High Court while examining the vires of law.

19. In the United Kingdom, Lord Griffiths in the House of Lords case titled *'Pepper (Inspector of Taxes) v. Hart'* [(1992 3 WLR 1032] has observed as follows.-

> *"The object of the Court in interpreting legislation is to give effect so far as the language permits to the intention of the legislature. If the language proves to be ambiguous I can see no sound reason not to consult Hansard to see if there is a clear statement of the meaning that the words were intended to carry. The days have long passed when the Courts adopted a strict constructionist view of interpretation which required them to adopt the literal meaning of the language. The Courts now adopt a purposive approach which seeks to give effect to the true purpose of legislation and are prepared to look at much extraneous material that bears upon the background against which the legislation was enacted. Why then cut ourselves off from the one source in which may be found an authoritative statement of the intention with which the legislation is placed before Parliament?"*

In the same judgment, Lord Browne-Wilkinson has observed as follows.-

> *"The Courts are faced simply with a set of words which are in fact capable of bearing two meanings. The Courts are ignorant of the underlying Parliamentary purpose. Unless something in other parts of the legislation discloses such purpose, the Courts are forced to adopt one of the two possible meanings using highly technical rules of construction. In many, I suspect most, cases references to Parliamentary materials will not throw any light on the matter. But in a few cases it may emerge that the very question was considered by Parliament in passing the legislation. Why in such a case should the courts blind themselves to a clear indication of what Parliament intended in using those words? The Court cannot attach a meaning to words which they cannot bear, but if the words are capable of bearing more than one meaning why should not Parliament's true intention be enforced rather than thwarted?"*

In the case titled *'Muhammad Mubeen-us-Salam and others v. Federation of Pakistan through Secretary, Ministry of Defence and others'* [PLD 2006 SC 602], the august Supreme Court has affirmed the rule that Parliamentary debates could be examined as an effective aid in order to discover the intention of the legislature while interpreting a statute. In the case titled *'Zahoor Ahmed and 5 others v. The State and 3 others'* [PLD 2007 Lahore 231], the learned Lahore High Court has held that Parliamentary debates are generally recognized as a valid and useful source which may be utilized by

courts of law for the purposes of interpreting a piece of legislation by appreciating the spirit in which the law was introduced, passed and enacted and for understanding the mischief which was sought to be suppressed. In the case titled *Afzal Khan Shinwari v. Federation of Pakistan and others'*[PLD 2019, Islamabad 422] this Court has acknowledged the Parliamentary debates to be an effective tool to discover the intention of the legislature.

The august Supreme Court, in the case titled *'Independent Newspapers Corporation (Pvt) Ltd and another v. Chairman, Fourth Wage Board and Implementation Tribunal for Newspaper Employees, Government of Pakistan, Islamabad and 2 others'* [1993 SCMR 1533], has held that there is a presumption that the legislature does not transgress its jurisdiction and invade the fundamental rights given by the Constitution and that this rule is to be kept in view also while construing and enforcing the law. It is settled law that the wisdom of the Parliament in enacting a law is outside the scope of judicial review. As long as the legislature has the competence to legislate, the grounds or wisdom of legislation remains its exclusive prerogative. "There is a strong presumption that a legislature understands and correctly appreciates the needs of its own people, that its laws are directed to the problems manifested by experience, and that its discriminations are based upon adequate grounds". '*Middleton Vs. Texas Power & High*' *Co*.' (249 U.S. 152).

It has been aptly observed in '*Radice Vs. People of the State of New York*' (264 US 292) that "Where the Constitutional validity of a Statute depends upon the existence of facts, courts must be cautious about rendering a conclusion respecting them contrary to that recalled by the legislature; and if the question of what the facts establish is a fairly debatable one, it is not permissible for a Judge to set up his opinion in respect of it against the opinion of the lawmaker".

The august Supreme Court of Pakistan observed in '*The State Vs. Zia-ur-Rehman'* [P.L.D. 1973 S.C. 49] as follows:

> "*On the other hand it is equally important to remember that it is not the function of the judiciary to legislate or to question the wisdom of the Legislature in making a particular law if it has made it competently without transgressing the limitations of the Constitution. Again if a law has been competently and validly made the judiciary cannot refuse to enforce it even if the result of it be to nullify its own decisions. The legislature has also every right to change, amend or clarify the law if the judiciary has found that the language used by the Legislature conveys an intent different from that which was sought to be conveyed by it. The Legislature which establishes a particular Court may also, if it so desires, abolish it*."

In the case of Sh. Liaqat Hussain Vs. Federation of Pakistan (P.L.D. 1999 S.C. 504), the august Supreme Court has held that:

> *"No malafide can be attributed to the Parliament as it is a sovereign body to legislate on any subject, for which it has been empowered to legislate. The Court cannot strike down a statute on the ground of malafide, but the same can be struck down on the ground that it is violative of the Constitution"*

The wisdom of the Parliament is, therefore, not amenable to the jurisdiction of this Court, let alone being substituted. Reliance is also placed on the case of *"Pir Sabir Shah Vs. Shad Muhammad Khan, Member Provincial Assembly, N.W.F.P and another"* [P.L.D. 1995 S.C. 66] and "*Mr. A. K. Fazalul Qader Chaudhry Vs. Syed Shah Nawaz and others*" [P.L.D. 1966 S.C. 105].

It has been unequivocally held by the august Supreme Court in the case of *'Al-Jehad Trust through Habibul Wahab Al-Khairi, Advocate and 9 others Vs. Federation of Pakistan through Secretary Ministry of Kashmir Affairs, Islamabad and 3 others'* [1999 S.C.M.R. 1379] that no direction can be issued to the legislature to legislate a particular law.

In the celebrated case reported as *'Messrs Elahi Cotton Mills Ltd and others v. Federation of Pakistan through Secretary M/o Finance, Islamabad and 6 others'* [PLD 1997 SC 582] rendered by a larger Bench of the august Supreme Court, it has been observed and held that it is the duty of a Court to save the law rather than destroy

it and that it must lean in favour of upholding the constitutionality of the legislation, keeping in view the rule of constitutional interpretation that there is a presumption in favour of the constitutionality of the legislative enactment unless ex facie it is violative of a constitutional provision. In the context of challenging the *vires* of a law, the august Supreme Court, in the case of '*Lahore Development Authority through D.G. and others Versus Ms. Imrana Tiwana and others'* [2015 SCMR 1739], after examining the precedent law has encapsulated and summarized the principles as follows.-

i) There was a presumption in favour of constitutionality and a law must not be declared unconstitutional unless the statute was placed next to the Constitution and no way could be found in reconciling the two;

ii) Where more than one interpretation was possible, one of which would make the law valid and the other void, the Court must prefer the interpretation which favoured validity;

iii) A statute must never be declared unconstitutional unless its invalidity was beyond reasonable doubt. A reasonable doubt

must be resolved in favour of the status being valid;

iv) Court should abstain from deciding a Constitutional question, if a case could be decided on other or narrower grounds;

v) Court should not decide a larger Constitutional question than was necessary for the determination of the case;

vi) Court should not declare a statute unconstitutional on the ground that it violated the spirit of the Constitution unless it also violated the letter of the Constitution;

vii) Court was not concerned with the wisdom or prudence of the legislation but only with its Constitutionality;

viii) Court should not strike down statutes on principles of republican or democratic government unless those principles were placed beyond legislative encroachment by the Constitution; and

ix) Mala fides should not be attributed to the Legislature.

Is the Majlis-e-Shoora (Parliament) competent to neutralize or overcome the effect of a judgment rendered by a Constitutional Court.

20. In the case titled *'Messrs Mamukanjan Cotton Factory v. The Punjab Province and others'* [PLD 1975 SC 50], it was argued before the august Supreme Court that a High Court, while exercising its jurisdiction under the Constitution, renders a judgment and, therefore, its effect cannot be nullified nor the illegality validated by resorting to legislation. It was argued that the effect of a judgment was an end product of the constitutional jurisdiction and, therefore, it could neither be undone nor destroyed. This argument was not acceptable to the apex Court and consequently it was held as follows.-

> *"It would strike at the very root of the power of Legislature, otherwise competent to legislate on a particular subject, to undertake any remedial or curative legislation after discovery of defect in an existing law as a result of the, judgment of a superior Court in exercise of its constitutional jurisdiction. The argument overlooks the fact, that the remedial or curative legislation is also "the end product" of constitutional jurisdiction in the cognate field. The argument if accepted, would also seek to throw into serious disarray the pivotal arrangement in the Constitution regarding the division of sovereign power of the State among its principal organs; namely, the*

executive, the Legislature and the judiciary each being the master in its own assigned field under the Constitution.

In the case titled *'Messrs Nizam Impex and another v. Government of Pakistan and others'*[1990 SCMR 1187], the august Supreme Court affirmed that the effect of the law laid down in an earlier judgment, reported as *'Al-Samrez Enterprise v. Federation of Pakistan'* [1986 SCMR 1917], was competently made ineffective through the insertion of section 31-A in the Customs Act 1969.

In the case titled *'Government of Pakistan and others v. Muhammad Ashraf and others'* [PLD 1993 SC 176] the august Supreme Court declared the nullification of the judgment rendered in the case titled *'Al-Samrez Enterprise v. Federation of Pakistan'* [1986 SCMR 1917] to be effective besides the validity of the amendment having retrospective operation. It was, however, held that past and closed transactions i.e. relating to the import of goods in which bills of entry had been filed before the date of insertion of section 31-A, remained un affected.

In the case titled *'Molasses Trading & Export (Pvt) Ltd. v. Federation of Pakistan and others'* [1993 SCMR 1905], the august Supreme Court has elaborately highlighted the principles relating to the power of the legislature to neutralize or nullify the effect of a

judgment rendered by the august Supreme Court. The relevant portion is as follows.-

> *It has been held that when a legislature intends to validate a tax declared by a Court to be illegally collected under an invalid law, the cause for ineffectiveness or invalidity must be removed before the validation can be said to take place effectively. It will not be sufficient merely to pronounce in the statute by means of a non obstante clause that the decision of the Court shall not bind the authorities, because that will amount to reversing a judicial decision rendered in exercise of the judicial power, which is not within the domain of the legislature. It is therefore necessary that the conditions on which the decision of the Court intended to be avoided is based, must be altered so fundamentally, that the decision would not any longer be applicable to the altered circumstances. One of the accepted modes of achieving this object by the legislature is to re-enact retrospectively a valid and legal taxing provision, and adopting the fiction to make the tax already collected to stand under the re-enacted law. The legislature can even give its own meaning and interpretation of the law under which the tax was collected and by "legislative fiat" make the new meaning binding upon Courts. It is in one of these ways that the legislature can neutralise the effect of the earlier decision of the Court. The legislature has within the bounds of the Constitutional limitations, the power to make such a law and give it retrospective effect so as to bind even past transactions. In ultimate analysis therefore the primary test of validating piece of legislation is whether the new provision removes the defect which the Court had found in the existing law and whether adequate provisions in the validating law for a valid imposition of tax were made.*

In the case titled *'Muhammad Hussain and other v. Muhammad and others'* [2000 SCMR 367] the august Supreme Court has unambiguously held that the legislature is competent to give retrospective effect to legislation and in that process it could even take away vested rights of the parties but for that it must either use clear words in the statute or such a consequence must arise as a necessary implication from the language of the legislation.

In the case titled *'Fecto Belarus Tractor Ltd. v. Government of Pakistan through Finance, Economic Affairs and others'*[PLD 2005 SC 605] the august Supreme Court reaffirmed the law laid down in an earlier judgment titled *'Income Tax Officer, Central Circle II, Karachi and another v. Cement Agencies Ltd.'*[PLD 1969 SC 322] wherein it was held that even a legislative measure, expressly giving retroactive effect, could not operate in such manner that it would have the effect of undoing rights accrued through judicial determinations between parties and which were according to the law that existed before the new law was passed.

In the case titled *'Baz Muhammad Kakar and others v. Federation of Pakistan through Ministry of Law and Justice and others'*[PLD 2012 SC 923] the apex Court has observed and held as follows.-

"The Parliament being duly elected representative of the people of Pakistan, which is to carry on the business of the Country make all policies, and political decision, is the only body to legislate with respect to any' matter in the Federal Legislative List by originating bill in either of the House except Money Bill which has to originate in the National Assembly. The Parliament has exclusive power to make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan, but only in respect of any matter enumerated in Federal Legislative List and not in contravention with the rights conferred by Part-II of the Constitution or in conflict with any Articles of the Constitution.

According to the theory of separation of powers, the function of the Legislature is to make law-Jus dare, that of the executive is to execute law and to dispense administrative functions Jus-dicere, and that of the judiciary is to interpret and apply the law-Jus-dicere. However, the countries governed by Federal written Constitution, the function of the Courts more particularly a Constitutional Court is not merely of jus-dicere being the guardian of the Constitution' itself.

The Legislature even by law can overcome the effect of any j judgment of the Superior Courts and Courts uphold such legislation. If any reference is required one can see Article 31A of the Customs Act by which Legislature nullify the effect of the judgment of this Court in the case of Al-Samrez Enterprise versus The Federation of Pakistan, (1986 SCMR 1917) and such Legislation was upheld by the Superior Court."

Conclusion.-

21. It is obvious from the above discussion that the Act of 2010 is a complete and self contained special statute which was promulgated to establish the Authority. The intent and object for establishing the Authority was to ensure complete command and control over research, production and the use of nuclear and space technology and to provide safety and security of all personnel, facilities, information, installations or organizations connected therewith. Sensitive functions, nature of assignments, security consideration, confidentiality of the functions, assignments performed by employees and their integrity and reliability assessment were paramount factors while describing the functions of the Authority under section 7 of the Act of 2010. It is noted that section 15 empowered the Authority to make the rules without the interference of the Federal Government. However, the ambiguities were highlighted by the august Supreme Court in the case titled *'Shafique Ahmed Khan and others v. NESCOM through Chairman, Islamabad and others'* [PLD 2016 SC 377] and, after interpreting the provisions, it was held that the rules regulating the employees were statutory and thus the relationship was not in the nature of master and servant. The august Supreme Court, on the basis of the composition of the Authority under section 3, had interpreted that the rules were deemed to have been approved by the Federal Government. In a subsequent development, the apex Court in the case of Mustafa Impex supra interpreted the expression 'Federal Government' as meaning the Prime Minister and members of the cabinet. The Federal Cabinet was

thus held to be the competent forum to grant approvals relating to the functions of the Federal Government. In accordance with the later enunciation of law by the apex Court, the Authority, despite its composition is not competent to perform the functions of the Federal Government.

22. As noted above, the object and purpose of amending the Act of 2010 through the Amendment Act was explicitly mentioned while introducing the Bill in the Majlis-e-Shoora (Parliament); to reiterate the 'original intent' of promulgating the Act of 2010 that the employees in the service of the Authority were not civil servants and that the legal relationship with the employees was governed under the principle of 'master and servant'. For further elaboration of the intent of the legislature a proviso was thus inserted in section 15. A non obstante expression was used to emphasize that, notwithstanding any judgment, declaration of any Court, including the Supreme Court, the rules shall be non statutory unless approved by the Federal Government and published in the official gazette. The proviso is in fact an unambiguous declaration of intent of the Majlis-e-Shoora (Parliament) regarding the relationship between the Authority and its employees. This was obviously necessitated to explicitly declare the legislative intent and to remove the ambiguity regarding the status of the rules relating to employees and their relationship with the Authority.

23. We have already discussed the precedent law relating to the competence of the Majlis-e-Shoora (Parliament) regarding legislation in general and to neutralize or overcome the effect of a judgment rendered by the Superior Courts. In the case in hand, the Majlis-e-Shoora (Parliament,) by explicitly declaring its intent through the insertion of the proviso in section 15 of the Act of 2010 regarding the relationship of the Authority with its employees, has overcome the effect of the judgment of the august Supreme Court in the case titled *'Shafique Ahmed Khan and others v. NESCOM through Chairman, Islamabad and others'* [PLD 2016 SC 377] and by doing so the ambiguity was removed. The amendment by way of insertion of the proviso is by no stretch of the imagination ultra vires the Constitution nor the fundamental rights guaranteed there under. The Majlis-e-Shoora (Parliament) was competent under the Constitution and, on the touchstone of the principles and law highlighted in the precedent law discussed above, to amend the Act of 2010 and thus make its intent obvious. There is no force in the argument advanced on behalf of the petitioners that the mere insertion of the proviso without amending the other provisions was not sufficient to overcome the effect of the judgment of the august Supreme Court. We, therefore, declare that the effect of the insertion of the proviso in section 15 of the Act of 2010 is to acknowledge the intent of the Majlis-e-Shoora (Parliament) regarding the relationship of the Authority with its employees. The relationship will be governed by the principle of 'master and servant' and the rules regulating the employees and their terms of service will continue to enjoy the status of being non statutory unless two specific conditions are fulfilled i.e approval by the

Federal Government, meaning the Federal Cabinet and its notification in the official gazette. It is noted that these two conditions are for the purpose of clarity and does not impose a binding obligation on the Federal Government to give its approval. The Federal Government may or may not alter the non statutory status of the rules by giving approval and thereafter notifying it in the official gazette. We have been informed that neither the Federal Government has given its approval nor intends to do so. It is our duty under the Constitution to give effect to the intent of the Majlis-e-Shoora (Parliament). We, therefore, in consonance with the legislative intent hold that matters relating to the employment of persons in the service of the Authority, which includes the notified Strategic Organizations, are governed under non statutory rules and, as a consequence, the grievances are not amenable to the jurisdiction of a High Court under Article 199 of the Constitution. The grievances of contract employees and relating to regularization are also not amenable because they are governed under rules, which have been explicitly declared as non statutory by the Majlis-e-Shoora (Parliament).

24. The petitioners have also taken the stance that depriving them from invoking the jurisdiction of judicial review under Article 199 amounts to denial of the right of access to justice. We are afraid that this argument is misconceived. As discussed, the principle of master and servant and the determination of the relationship between an employee and employer on the basis of non statutory rules/regulations is imbedded in our jurisprudence. It is within the competence of the Majlis-e-Shoora (Parliament) and the latter's

prerogative under the Constitution to declare the nature of the relationship between an employer and its employees. Moreover, we have carefully perused the scheme of law, particularly the NCA Employees (Appeal) Rules, 2019 and we are satisfied that effective and efficacious remedies by way of appeal and review have been provided for the resolution of employment disputes. The composition of the Authority under section 3 of the Act of 2010 raises a presumption that effective resolution of employment related disputes and grievances of the employees would be dealt with fairly and in accordance with the law. There is also a presumption of empathy towards the employees. A complaint alleging malafide or coram non judice actions/orders are likely to be rare. But in case of such exceptional and extraordinary circumstances or the alleged denial of justice, the aggrieved employee, after exhausting all remedies of appeal and review, has the opportunity of bringing the grievances to the attention of the high powered Authority through a representation. The Authority, in such an eventuality, may refer the grievances to a committee or entity in exercise of powers vested under section 3(6) of the Act of 2010. The mechanisms and forums provided for redressing employment related disputes meets the requirements of due process and fair trial. The grievances of contractual employees and relating to regularization are also governed under the non statutory rules and thus not amenable to the jurisdiction of a High Court under Article 199 of the Constitution.

25. The insertion of proviso in section 15 of the Act of 2010 was pursuant to exercise of powers vested under the Constitution. The

learned counsels for the petitioners have not been able to rebut the presumption that the Majlis-e-Shoora (Parliament) had transgressed its jurisdiction nor that in any manner it had invaded the fundamental rights. The wisdom of the legislature is beyond the scope of judicial review. It is not the function of this Court to legislate or to form an opinion as to how and what the Majlis-e-Shoora (Parliament) ought to legislate. Since the proviso was inserted in section 15 competently and validly, therefore, this Court cannot refuse to enforce it even if the result of it is to nullify a judgment as has been held by the august Supreme Court in the case of Zia-ur-Rehman supra. It has been unequivocally held in the same judgment that the legislature has every right to change, amend or clarify the law if the judiciary has found the language used by the legislature conveys an intent different from the one that was sought to be conveyed by it. The august Supreme Court has summarized the principles for examining the vires of a law in the judgment titled '*Lahore Development Authority through D.G. and others Versus Ms. Imrana Tiwana and others'* [2015 SCMR 1739]. We have found the proviso inserted in section 15 through the Amendment Act to have been competently and validly done by the Majlis-e-Shoora (Parliament). Thus on the touchstone of the principles highlighted by the apex Court we hold the proviso to section 15 as intra vires the Constitution.

26. It is noted that the State of Pakistan has international obligations, particularly under the UNSC Resolution 1540. The effective control and command of the nuclear development and use of technology is of paramount importance. Pakistan has the distinction of

being a member of the exclusive group of few countries which have achieved the milestone of developing advanced nuclear technology. The commitment to non proliferation and safeguarding against security lapses is a crucial obligation. The desperation of non state actors involved in terrorism to gain advantage due to weak control and command or breach of confidentiality is not a mere myth. The concerns of the Majlis-e-Shoora (Parliament) regarding likely breaches of confidentiality and information regarding the employees are not misplaced. It is, therefore, not unreasonable nor in violation of the constitutionally guaranteed rights to declare that the employees of the Authority would be governed under non statutory rules and thus not amenable to the jurisdiction of a High Court under Article 199 of the Constitution.

27. We, therefore, declare that the petitioners are regulated and governed under non statutory rules and thus not amenable to the jurisdiction of this Court under Article 199 of the Constitution. The constitutional petitions are consequently not maintainable and accordingly **dismissed**. In case any petitioner, after availing all the remedies available under section 11 of the Act of 2010 or the rules made there under, has a grievance of exceptional or extraordinary nature based on the ground of malfide or coram non judice then the latter may submit a representation before the Authority. In such an eventuality the Authority would be expected to constitute a committee pursuant to powers conferred under section 3(6) of the Act of 2010 for consideration of the grievances. Likewise, the Authority is also expected to constitute a committee and refer to it the petitions

wherein non compliance of judgments/directions of this Court have been alleged and, resultantly, the contempt petitions are accordingly **disposed of**. Section 11 of the Act of 2010 provides a right of appeal against any order, action or inaction in respect of the terms and conditions of an employee and consequently the bar contained under the proviso of section 3 of the Law Reforms Ordinance, 1972 is attracted in case of the Intra Court Appeals. The appeals are not maintainable and, therefore, accordingly ***dismissed.***

(CHIEF JUSTICE)

(MOHSIN AKHTAR KAYANI)
Judge

(FIAZ AHMAD ANJUM JANDRAN)
Judge

Announced in the open Court on **06th May, 2021.**

(CHIEF JUSTICE)

Judge

Judge

Approved for reporting.

Luqman Khan/*

ANNEXURE – A		
S.No.	**Petition/Appeal No.**	**Title**
1	Writ Petition. 1502/2019	Waqas Rafi Awan **Vs** NESCOM etc
2	Writ Petition. 219/2021	Zahid Ul Islam **Vs** PAEC, etc
3	Writ Petition. 231/2021	Waseem Shahzad **Vs** NESCOM, etc
4	Writ Petition. 363/2021	Muhammad Riaz **Vs** AIr Weapon Complex, etc
5	Writ Petition. 388/2021	Masood Iqbal Qazi **Vs** AIr Weapon Complex, etc
6	Writ Petition. 514/2021	Muhammad Rizwan Qayyum **Vs** DG NDC, & others
7	Criminal Original. 65/2020	Raja Hasnain Ali **Vs** Muhammad Naeem, PAEC,
8	Criminal Original. 119/2020 Writ	Syed Atif Mehmood Shah **Vs** Raja Nauman Khalid
9	Writ Petition. 553/2020	Raja Mansoor Ul Haq **Vs** NDC etc
10	Writ Petition. 563/2020	Hassan Sher **Vs** Chairman Pakistan Atomic Energy Commission of Islamabad etc
11	Writ Petition. 674/2020	Bilal Zaman **Vs** National Engineering and Scientific Commission etc
12	Writ Petition. 719/2020	Muhammad Kausar Iqbal **Vs** Pakistan Atomic Energy Commission etc
13	Writ Petition. 1470/2020	Dr. Sadaf Naz **Vs**

		National Command Authority through its Chairman
14	Writ Petition. 2178/2020	Muhammad Shafiq Awan **Vs** PAEC, & others
15	Writ Petition. 2200/2020	Asif Iqbal **Vs** FOP, etc
16	Writ Petition. 2766/2020	Muhammad Arif **Vs** PAEC, etc
17	Writ Petition. 3221/2020	Zaheer Ahmed **Vs** FOP & others
18	Writ Petition. 3425/2020	Dr. Muhammad Rafiq Khan **Vs** The Chairman Pakistan PAEC, etc
19	Writ Petition. 3950/2020	Naeem Akhtar **Vs** FOP etc
20	Writ Petition. 4111/2020	Abdul Shakoor **Vs** FOP & others
21	Writ Petition. 4116/2020	Qadeer Hussain **Vs** FOP & others
22	Writ Petition. 4117/2020	Aftab Alam **Vs** FOP & others
23	Intra Court Appeal. 60/2019	Pervez Akhtar etc **Vs** Chairman PAEC etc
24	Criminal Original. 252/2019 Writ	Ghulam Murtaza Dahar **Vs** Dr. Nabeel Hayat Malik, Chairman NESCOM
25	Writ Petition. 387/2019	Mehmood Ahmed Ansari **Vs** DG, Strategic Plans Division etc
26	Writ Petition. 685/2019	Naveed Ali **Vs** FOP etc
27	Writ Petition. 1166/2019	Mst. Yasmeen Naz **Vs** FOP etc
28	Writ Petition. 1865/2019	Muhammad Naeem **Vs** National Engineering & Scientific Commission etc
29	Writ Petition. 1953/2019	Ashfaq Hussain **Vs** Pakistan Atomic Energy Commission
30	Writ Petition. 2054/2019	Muhammad Ashiq

		Vs National Command Authority through its Chairman etc
31	Writ Petition. 2144/2019	Khalid Usman **Vs** Chairman PAEC HQ Islamabad
32	Writ Petition. 2331/2019	Ayaz Hassan **Vs** National Engineering and Scientific Commission etc
33	Writ Petition. 2814/2019	Mehmood Ahmed Ansari **Vs** PAEC HQ ICT, through its Secretary Islamabad
34	Writ Petition. 3170/2019	Muhammad Ubaid Raza **Vs** Pakistan Atomic Energy Commission etc
35	Writ Petition. 3211/2019	Ghulam Murtaza Dahar **Vs** FOP etc
36	Writ Petition. 3419/2019	Zaheer Abbas Shaikh **Vs** NESCOM etc
37	Writ Petition. 3540/2019	Abdul Raheem **Vs** FOP etc
38	Writ Petition. 4291/2019	Rehan Rashid **Vs** Chairman KRL etc
39	Writ Petition. 4335/2019	Muhammad Nadeem **Vs** Pakistan Atomic Energy Commission etc
40	Writ Petition. 4490/2019	Raja Muhammad Sarfraz **Vs** Pakistan Atomic Energy Commission etc
41	Writ Petition. 4530/2019 Service	Ghulam Murtaza Dahar **Vs** Chairman, NCA etc
42	Writ Petition. 73/2018	Abdul Ghafoor Malano **Vs** Dr. A.Q Khan, KRL
43	Writ Petition. 1308/2018	Mian Shahid Rasheed **Vs** PAEC etc

44	Writ Petition. 1710/2018	Muhammad Akram Kandaan **Vs** Chairman Pakistan Atomic Energy Commission
45	Writ Petition. 2452/2018	Muhammad Waqas Qureshi **Vs** The Chairman PEAC HQ, Islamabad & others
46	Writ Petition. 3719/2009	Muhammad Riaz **Vs** PAEC, etc.
47	Writ Petition. 2836/2018	Mumtaz Ali Umrani Baloch **Vs** Pakistan Atomic Energy Commission, PAEC & others
48	Intra Court Appeal. 254/2017	Mukhtar Ali **Vs** Muhammad Naeem, Chairman, Pakistan Atomic Energy Commission, Islamabad and others.
49	Criminal Original. 383/2017	Mst Shafqat Batool **Vs** Secretary Defense, etc.
50	Writ Petition. 454/2017	Tariq Mehmood Rana **Vs** Chairman, National Command Authority etc
51	Writ Petition. 455/2017	Qazi Waqar Mehmood **Vs** Chairman, National Command Authority
52	Writ Petition. 456/2017	Rana Muhammad Sabir Nawaz **Vs** Chairman, National Command Authority etc
53	Writ Petition. 457/2017	Muhammad Aslam Javed **Vs** Chairman, National Command Authority etc
54	Writ Petition. 458/2017	Ishtiaq Ahmed **Vs** Chairman, National Command Authority etc
55	Writ Petition. 459/2017	Muhammad Ijaz Malik **Vs** Chairman, National Command Authority etc.
56	Writ Petition. 795/2017	Muhammad Ismail **Vs** PAEC

57	Writ Petition. 823/2017	Aurangzeb Abbasi **Vs** FOP & others
58	Writ Petition. 2709/2017	Usman Naveed etc. **Vs** Pakistan Atomic Energy Commission, Islamabad and etc.
59	Writ Petition. 2711/2017	Ala - Ud - Din Qazi and others. **Vs** National Command Authority, etc. (Shazia Malik, ADV)
60	Writ Petition. 2712/2017	Muhammad Afzal etc. **Vs** Pakistan Atomic Energy Commission of Pakistan etc. (Shazia Malik, ADV)
61	Writ Petition. 2740/2017	Abdul Hameed and others. **Vs** The Pakistan Atomic Energy Commission of Pakistan and others
62	Writ Petition. 2937/2017	Muhammad Ali Mirza **Vs** FoP etc.
63	Writ Petition. 3128/2017	Ghulam Sarwar **Vs** Federation of Pakistan
64	Writ Petition. 3303/2017	Nisar Ahmed Bhatti etc. **Vs** Pakistan Atomic Energy Commission, through its Chairman and others (Shazia Malik, ADV)
65	Writ Petition. 3509/2017	Nadir Ali **Vs** PNRA and others
66	Writ Petition. 3782/2017	Amir Akbar Khan **Vs** National Engineering & Scientific Commission (NESCOM) & others
67	Intra Court Appeal. 428/2016	Asad Saleem **Vs** PAEC & others
68	Writ Petition. 666/2016	Sana Ullah **Vs** PAEC, etc.
69	Writ Petition. 673/2016	Muhammad Zamir **Vs** NESCOM, etc.
70	Writ Petition. 682/2016	Syed Atif Mehmood Shah **Vs** PAEC, etc. (Alam Zaib Satti, ADV)

71	Writ Petition. 784/2016	Muhammad Saleem Shahzad **Vs** National Command Authority, etc.
72	Writ Petition. 785/2016	Muhammad Saleem Shahzad **Vs** National Command Authority, etc.
73	Writ Petition. 808/2016	Akhtar Mehmood **Vs** Chairman, NESCOM etc
74	Writ Petition. 856/2016	Abdul Qayyum **Vs** NESCOM, etc.
75	Writ Petition. 1287/2016	Tasawar Abbas **Vs** NDC, HQ, etc.
76	Writ Petition. 1659/2016	Farman Ullah **Vs** FOP, etc.
77	Writ Petition. 1810/2016	Sharf-ul-Islam **Vs** PAEC, etc.
78	Writ Petition. 1837/2016	Muhammad Saleem Shahzad **Vs** NCA, etc
79	Writ Petition. 2113/2016	Masood Khalid Qazi **Vs** PAEC
80	Writ Petition. 2748/2016	Sharf-ul-Islam Khan **Vs** PAEC, etc.
81	Writ Petition. 3042/2016	Rashid Maqsood **Vs** The Chairman, NESCOM, etc.
82	Writ Petition. 3444/2016	Shahid Hussain **Vs** Chairman PAEC, etc.
83	Writ Petition. 3710/2016	Ghulam Ali **Vs** PAEC, etc.
84	Writ Petition. 3883/2016	Muhammad Waheed Satti **Vs** Chairman PAEC, etc.
85	Writ Petition. 4252/2016	Zafar Iqbal Satti **Vs** Chairman PAEC, etc.
86	Writ Petition. 4259/2016	Rashid Iqbal Satti **Vs** Chairman PAEC, etc.
87	Writ Petition. 4277/2016	Mst. Shafqat Batool **Vs** Secretary Defence Pakistan, etc.
88	Writ Petition. 4636/2016	Jamil Ahmad Khan **Vs** NCA
89	Writ Petition. 4640/2016	Shabbir Ahmed **Vs** NCA & ohters

90	Intra Court Appeal. 241/2015	Asmara Waqar **Vs** NCA
91	Writ Petition. 1980/2015	Fida Hussain **Vs** National Command Authority, etc.
92	Writ Petition. 3282/2015	Nasrullah Malik **Vs** Chairman PAEC
93	Writ Petition. 3385/2015	Masood Khalid Qazi **Vs** PAEC etc
94	Writ Petition. 451/2014	Muhammad Adeel **Vs** National Development Complex and others
95	Criminal Original. 186/2013	Khushaal Khan **Vs** Rehan Bashir
96	Intra Court Appeal. 1041/2013	Muhammad Shabbir **Vs** PAEC etc
97	Writ Petition. 77/2012	Gohar Rehman **Vs** DG, Strategic Planning Division (SPD), Chaklala Garrison Rwp
98	Writ Petition. 2426/2012	Sajid Hussain **Vs** NCA
99	Writ Petition. 2523/2012	Rana Muhammad Nawaz Sabir **Vs** NCA etc
100	Writ Petition. 3413/2012	Qazi Waqar etc **Vs** NCA etc
101	Criminal Original. 216/2011	Akhtar Zaman **Vs** Anwar Muzaffar
102	Writ Petition. 2981/2011	Dr. Muhammad Jalil **Vs** Chairman PAEC
103	Writ Petition. 19/2010	Mohammad Tarique **Vs** FOP through Secretary Defence and others
104	Writ Petition. 3897/2010	Shahnaz Bibi **Vs** Pak Automic Energy
105	Writ Petition. 3929/2010	Abdul Rehman **Vs** N.E.S.C.O.M. etc
106	Writ Petition. 1977/2009	Munawar Ahmad **Vs** PAEC
107	Writ Petition. 1978/2009	Muhammad Akbar **Vs** PAEC
108	Writ Petition. 2352/2008	Muhammad Javed Iqbal **Vs** Pakistan Atomic Energy Commission