

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-2082 of 2024
(**Tariq Mansoor Advocate v Federation of Pakistan & others**)

Date	Order with signature of Judge
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Date of hearing and order:- 20.2.2026

Mr. Muhammad Tariq Mansoor advocate / petitioner in person alongwith Malik Ahmed Awan advocate
Mr. Mohsin Qadir Shahwani, Additional Attorney General

ORDER

Adnan-ul-Kari Memo, J Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer:-

1. *To declare that the impugned Notification and appointment of Deputy Prime Minister of the Islamic Republic of Pakistan, is unconstitutional, inconsistent, in contravention, unlawful, arbitrary, and ultra vires with the provisions of the Constitution and its Constitutional Commandments including that of the spirit of Chapter-III, Art. 90, 91, 99 etc. of the Constitution of the Islamic Republic of Pakistan, 1973 (R/W PLD 2011KAR,451) and is of no legal affect and as without any lawful authority, suspended, cancelled, ab initio forthwith;*
2. *To may direct Respondent No.1 to 4 not to bypass the Constitutional Commandments, or arbitrary exercise its powers but only within the four corners and constitutional boundaries and limitations as are envisaged and mandated to them R/W Art.5(2), as per their respective Constitutional domain(s) under the Constitution of the Islamic Republic of Pakistan, 1973, and to follow the same in its letter and spirit only.*
3. *To may kindly grant any other order incl. the above, and as this Court may deem fit and proper, following the principles of natural justice to meet the ends of justice in "the larger Public Interest" of the citizens of the Islamic Republic of Pakistan and for Good Governance accordingly.*

2. Initially, the Petitioner challenged the vires of Notification No. 2-4/2012-Min. I dated 28th April 2024, issued by Respondent No.1 on the directions of Respondent No.2, appointing Mr. Ishaq Dar as Deputy Prime Minister of Pakistan. Per petitioner, the appointment is prima facie ultra vires, unconstitutional, and inconsistent with the Constitution, particularly Articles 2A, 3, 4, 5(2), 9, 17, 25, 90, 91, 98, 99 of the Constitution as well as the basic scheme of the Constitution. He submitted that the Constitution provides only for the office of the Prime Minister under and mentions a Caretaker Prime Minister under Article 224 of the Constitution but is silent on a Deputy Prime Minister of Pakistan. He added that the Federal Government Rules of Business, 1973, similarly make no provision for such a post. By issuing the impugned Notification, Respondents have bypassed the constitutional procedure and effectively amended or overridden the Constitution, without following Articles 238 and 239 of the Constitution, undermining the rule of law and separation of powers. He emphasized that the Respondents, sworn to protect and defend the Constitution, have disregarded this duty, creating uncertainty, executive

dysfunction, and potential infringement of citizens' fundamental rights. The Petitioner relies on settled jurisprudence, including PLD 1963 SC 486, PLD 2011 Lahore 120, PLD 1967 Lahore 227, PLD 2001 SC 607, and PLD 2006 SC 697, emphasizing the supremacy of the Constitution and the duty of courts to declare unconstitutional acts void.

3. However, during the pendency of this petition, SRO 2062(I)/2024 dated 18th December 2024 was issued, amending Rule 5 of the Rules of Business to permit the Prime Minister to designate a Minister as Deputy Prime Minister, which he emphasizes, prima facie regularizes the unconstitutional appointment of Deputy Prime Minister retroactively.

4. When confronted with the legal position of the case about the changing scenario and the decision of the superior courts with regard to writ of Mandamus, Certiorari and writ of quo-warranto. At the outset, the Petitioner submits that the Deputy Prime Minister is not a party to these proceedings, therefore an application under Order I Rule 10 CPC has been filed to include him, as party, which may necessitate a separate cause of action. Be that as it may, however, the learned Additional Attorney General present in court opposed this request and raised objections regarding challenging the legality of the Deputy Prime Minister's appointment either through these proceedings or another proceedings, if any, instituted later on. He argued that such position cannot be challenged under Article 199 of the Constitution as this is policy decision of the Federal Government based on certain reasoning.

5. In view of the above, the appointment of a Deputy Prime Minister under Notification No. 2-4/2012-Min. I dated 28th April 2024, and the subsequent SRO 2062(I)/2024 dated 18th December 2024, prima facie, seems to be a policy decision of the cabinet. However, since the Deputy Prime Minister is not currently a party to these proceedings, and inclusion of the same at this stage may alter the status of the present petition under Article 199 of the Constitution to issue the Writ of Mandamus or quo warranto when the petitioner was confronted with the legal position, intends to withdraw the petition with permission to file a fresh one. Be that as it may, without touching the merits of the case, the petition, along with pending applications, is dismissed as withdrawn, while granting the Petitioner liberty to file a fresh petition, which is subject to all just exceptions as provided under the law and without prejudice to the rights of the respondents.

JUDGE

JUDGE