

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
C.P. No.D-3304 of 2019

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Order with Signature of Judge(s)

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Fresh Case:

1. For orders on office objection.
2. For orders on CMA No.14876/19 (Exp.)
3. For orders on CMA No.14877/19 (Stay)
4. For hearing of main case.

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**15.05.2019.**

Petitioner, Moulvi Iqbal Haider, present in person.

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The instant petition has been filed on the ground that the appointments of the respondent No.3 as Governor State Bank of Pakistan and respondent No.4 as Finance Adviser to Prime Minister are illegal.

Petitioner, Moulvi Iqbal Haider, is present in person and states that both the respondents are enjoying dual nationality and hence they cannot be appointed on the said posts and in support thereof has placed reliance on the decisions given in the cases of *Muhammad Ibrahim Shaikh Vs. Government of Pakistan through Secretary Ministry of Defence and others (PLD 2019 Supreme Court 133)* and *Syed Mehmood Akhtar Naqvi Vs. Federation of Pakistan through Secretary Law and others (PLD 2012 Supreme Court 1089)*.

At the very outset, the petitioner was asked that from where he has come to know that these two persons are enjoying dual nationality and does he possess any document in support of his contention that they are enjoying dual nationality, to which he conceded that no such document is in his possession and stated that from the news flashed in media he has come to know that these persons are dual national. He was again asked that the appointments of these persons are policy matters and

petition is not maintainable against policy decision matters, to which he replied that this is a quo-warranto petition.

Heard and perused the record.

It is seen from the record that no document whatsoever has been produced before us to prove that the respondents No.3 & 4 are having dual nationality hence simply on the ground that they have foreign qualification and degrees and that their family members possess, if any, USA citizenship, hence they may be debarred from being appointed on these posts could hardly be the grounds to entertain this petition when no material whatsoever has been produced by the petitioner in support of his claim. So far as the matter concerning the respondent No.3 is concerned, as stated above, his appointment is a policy decision by a competent authority hence this Court has no jurisdiction under Article 199 of the Constitution to involve into matters concerning policy decisions. Reference in this regard may be made to the decision given by the Hon'ble Supreme Court of Pakistan in the case of *Dossani Travels Pvt. Ltd. and others Vs. Messrs Travels Shop (Pvt.) Ltd. and others. (PLD 2014 Supreme Court 1)*. Insofar as the case of the respondent No.4 is concerned, the provisions of Article 93 of the Constitution are quite clear, which clearly stipulate that the President may, on the advice of the Prime Minister, appoint Advisers, which should not be more than five (5), on such terms and conditions as he may determine. Since the respondent No.4 has been appointed as an Adviser, which firstly is a policy matter hence cannot be interfered with and secondly the Constitution fully authorizes the President on the advice of the Prime Minister to appoint Advisers, which should not be more than five (5), on such terms and conditions as the President may determine. Therefore on

this aspect also we do not see any justifiable reason to interfere. The decisions relied upon by the petitioner are found to be quite distinguishable from the facts obtaining in the present matter. This petition, thus, is found to be wholly misconceived and not maintainable, which is dismissed in limine along with the listed applications.

Judge

Judge