

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Muhammad Junaid Ghaffar, J.
Agha Faisal, J.

C P D 4348 of 20161 : Taswar Ali vs.
Federation of Pakistan & Others

For the Petitioner : Mr. Nazimuddin Advocate

For the Respondents : Syed Yasir Ahmed Shah
Assistant Attorney General

Date/s of hearing : 20.09.2022
Date of announcement : 20.09.2022

ORDER

Agha Faisal, J. The petitioner seeks to impugn actions taken by the armed forces of Pakistan, discharging the services thereof in January 2010, and in such regard had been put on notice to satisfy with regard to maintainability.

2. Today, the petitioner's counsel was once again confronted with regards to maintainability hereof, *inter alia*, in view of the bar placed vide Article 199(3)¹ of the Constitution and the principle of *laches*. Petitioner's counsel failed to provide a satisfactory response on either count and rested his case solely on the judgment of a learned Single Judge of the Honorable Lahore High Court dated 11.02.2021 in WP 2723 of 2018.

3. It hardly merits mention that the cited judgment is not binding upon us, however, even otherwise the edict contained no enunciation of law dis-applying the limitation of Article 199(3) of the Constitution. Notwithstanding the foregoing, the grievance was articulated to have occurred on 07.01.2010 and this petition was preferred on 02.07.2016. No acceptable justification has been advanced to displace the burden of *laches*.

4. In view hereof, this petition is found to be misconceived, hence, is hereby dismissed along with pending application/s.

JUDGE

JUDGE

¹(3) An order shall not be made under clause (1) on application made by or in relation to a person who is a member of the Armed Forces of Pakistan, or who is for the time being subject to any law relating to any of those Forces, in respect of his terms and conditions of service, in respect of any matter arising out of his service, or in respect of any action taken in relation to him as a member of the Armed Forces of Pakistan or as a person subject to such law.