

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-3993 of 2023

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.18674/2023.
2. For orders on Office Objection No.01, 02 & 03.
3. For orders on Misc. No.18675/2023.
4. For orders on Misc. No.18676/2023.
5. For hearing of main case.

25.08.2023.

Petitioner is present in person

YOUSUF ALI SAYEED, J. - The Petitioner is apparently a practicing Advocate and has invoked the jurisdiction of this Court under Article 199 of the Constitution impugning the appointment of the present caretaker Chief Minister of Sindh (“CM”), an Honouable retired Judge of the Supreme Court of Pakistan.

2. The case of the Petitioner is predicated entirely on Article 207 of the Constitution, the relevant excerpt of which reads as follows:-

“207. **Judge not to hold office of profit, etc.** (1) A Judge of the Supreme Court or of a High Court shall not -

- (a) hold any other office of profit in the service of Pakistan if his remuneration is thereby increased; or
- (b) occupy any other position carrying the right to remuneration for the rendering of services.

(2) A person who has held office as a Judge of the Supreme Court or of a High Court shall not hold any office of profit in the service of Pakistan, not being a judicial or *quasi-judicial* office or the office of Chief Election Commissioner or of Chairman or member of a law commission or of Chairman or member of the Council of Islamic Ideology, before the expiration of two years after he has ceased to hold that office.

(3).....”

3. The Petitioner, who appeared in person, submitted that the incumbent CM had retired as a Judge of the Supreme Court on 04.04.2022, hence, the two year period envisaged in terms of Article 207 (2) had not yet elapsed. He argued that the incumbent CM was thus liable to be removed from the post.

4. Having considered the matter, it is manifest that the Petitioner has lost sight of Article 260, which defines the expression “Service of Pakistan” as follows:-

“*Service of Pakistan*” means any service, post or office in connection with the affairs of the Federation or of a Province, and includes an All-Pakistan Service, service in the Armed Forces and any other service declared to be a service of Pakistan by or under Act of ¹[Majlis-e-Shoora (Parliament)] or of a Provincial Assembly, but does not include service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Federal Minister, Minister of State, Chief Minister, Provincial Minister, ²[Attorney-General, ³[Advocate-General,] Parliamentary Secretary] or ⁴[Chairman or member of a Law Commission, Chairman or member of the Council of Islamic Ideology, Special Assistant to the Prime Minister, Adviser to the Prime Minister, Special Assistant to a Chief Minister, Adviser to a Chief Minister] or member of a House or a Provincial Assembly;”

5. From a plain reading of the definition, it is apparent that the post of the CM is specifically excluded from the ambit of the term, and the case of the Petitioner is misconceived.

6. That being so, while granting the application for urgency, we hereby dismiss the Petition *in limine*, along with the other miscellaneous applications.

JUDGE

CHIEF JUSTICE

MUBASHIR