

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.Ps. No.D-132 & 133 of 2025

Date

Order with signature of Judge(s)

C.P. No.D-132 of 2025

1. For order on Misc. No.617/2025 (Urgent/App)
2. For order on office objection No.1, 2, 3 & 4.
3. For order on Misc. No.618/2025 (Exemption/App)
4. For hearing of main case.
[Statement filed regarding Regular Bench.]

C.P. No.D-133 of 2025

1. For order on Misc. No.619/2025 (Urgent/App)
2. For order on office objection No.1, 2, 3 & 4.
3. For order on Misc. No.620/2025 (Exemption/App)
4. For hearing of main case.
[Statement filed regarding Regular Bench.]

21.01.2025

M/s. Ebrahim Saifuddin & Tahir Mehmood, Advocates for the Petitioners in C.P. No. D-132 & 133 of 2025, respectively.

1. Urgency applications are granted.

2-4 Through the listed Constitution Petitions, filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 (the “**Constitution**”), the Petitioners claiming to be the legal practitioners, *inter alia*, seek following relief(s):

1. *Determine the question of validity or otherwise of the Hon’ble Chief Justice’s appointment and his continuance in office.*
2. *Declare the appointment of Respondent No.3 as the Chief Justice of Pakistan to be ultra vires, arbitrary and unconstitutional.*
3. *Suspect the Notification date 23.10.2024.*
4. *Call for Record of the Special Parliamentary Committee meeting which selected and nominated Respondent No.3 for the position of the Chief Justice of Pakistan.*

Learned counsel for the Petitioners, while referring to the various Articles of the Constitutions of 1956, 1962, and 1973, as well as the 26th Amendment to the Constitution, maintain that the appointment of the Chief Justice of Pakistan (**CJP**) is crucial for preserving the independence of the judiciary and ensuring that the citizens have free and unhindered access to impartial and independent courts; that earlier the most senior Judges of the Supreme Court of Pakistan (**SCP**) were appointed as the CJP; but, vide Notification dated 23.10.2024, the President of the Islamic Republic of Pakistan has appointed the CJP violating the rule of seniority, hence, the instant Petitions have been preferred.

Heard. Record perused.

It may be observed that the Special Parliamentary Committee ("**SPC**"), constituted under clause (3A) of the Article 175A of the Constitution, has prerogative to nominate the CJP from amongst the three most senior judges of SCP. In the instant case, the SPC nominated the CJP as per clause (3A) *ibid*. It has not been provided in the Constitution that the SPC should assign reasons for not nominating the most senior Judge(s) of SCP as CJP. Hence, the appointment of the CJP, vide Notification, dated 23.10.2024, is *intra vires* and as per the mandate of the Constitution. These Constitutional Petitions are, therefore, dismissed in *limine* being devoid of merit, along with listed applications.

JUDGE

JUDGE