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Senior Law

MOHAMMAD VAWDA
Advocate High Court

November 7th, 2017

Mr. Rizwan Memon,
Chief Secretary,
Government of Sindh,
Sindh Secretariat,
Karachi
Fax Nos. 021-99222941,
021-99222095 & 021-99202095

LEGAL NOTICE

IMPLEMENTATION OF THE JUDGMENT DATED: 07-09-2017, OF THE HONOURABLE SINDH HIGH COURT IN C.P. NO.D-7097 OF 2016 ['KARAMAT ALI & OTHERS VERSUS FEDERATION OF PAKISTAN & OTHERS'] AND C.P. NO.D-131 OF 2017 ['SHEHRI CITIZENS FOR BETTER ENVIRONMENT & OTHERS VERSUS FEDERATION OF PAKISTAN & OTHERS']

Dear Sir,

1. We act on behalf of the Petitioners in the subject C.P. No.D-7097 of 2016 ['Karamat Ali & Others versus Federation of Pakistan & Others'] and C.P. No.D-131 of 2017 ['Shehri Citizens for Better Environment & Others versus Federation of Pakistan & Others'] and this Legal Notice is in relation to the implementation of the Judgment dated: 07-09-2017 ('Subject Judgment'), of the Honourable Sindh High Court in the C.P. No.D-7097 of 2016 and C.P. No.D-131 of 2017.
2. As you are fully aware of the detailed directions given to the Sindh Government and the Federal Government in the Subject Judgment including but not limited to

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Advocate High Court

the restraining order against the removal of the present IG, A.D. Khowaja and the enactment of statutory rules for transfer and posting in the Police force at all levels, there is no need to reproduce these binding directions of the Honourable Sindh High Court. But it is pertinent to remind you of the following binding restraining orders against the Sindh Government in the Para-103 of the Subject Judgment which are as follows:

"c. The Respondents, and all authorities and bodies of the Provincial Government, and also as appropriate the Federal Government and all authorities and bodies thereof, are directed to give full and immediate effect to the orders made and directions given in this judgment and to act only in accordance and conformably with the same.

d. Without prejudice to the generality of the foregoing, the Respondents as aforesaid are directed to give full and immediate effect to the orders made and directions given in para 101 of this judgment and to act only in accordance and conformably with the same.

e. The Respondents as aforesaid are restrained from acting in any manner that is inconsistent with, or which contradicts, any orders made or directions given in this judgment and, without prejudice to the generality of the foregoing, from issuing, acting upon or giving effect to any circular, notification, guideline, instruction, order or direction that is inconsistent with, or contradicts, this judgment."

3. To our shock but not to our surprise and in line with the persistent past contemptuous actions of the Sindh Government in defying binding orders of the Honourable Sindh High Court, the Sindh Government has committed two clear cut violations of the Subject Judgment. Firstly, it has recommended the removal of the IG, A.D. Khowaja in complete violation of the Subject Judgment and on

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clearly malafide reasons. Secondly, the Sindh Government has subverted the enactment of the Sindh Police (Posting, Transfer and Tenure) Rules, 2017, within the time frame given in the Subject Judgment on completely illegal and malafide basis.

4. In view of the above, please advise the Sindh Government to refrain from and recall the above illegal and malafide actions, otherwise we have definitive instructions from our Clients to institute legal proceedings against you and all relevant persons including but not limited to contempt proceedings.

Thank you,

Regards,



For Faisal Siddiqi
Advocate

Copy to:

The Secretary,
Cabinet Division,
Cabinet Secretariat,
Establishment Division,
Government of Pakistan,
Constitutional Avenue,
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