

[Supreme Court of Pakistan]

Present: Syed Mansoor Ali Shah and Ayesha A. Malik, JJ

ATTIQ UR REHMAN---Petitioner

Versus

Sh. TAHIR MEHMOOD and others---Respondents

Civil Petition No. 600 of 2020, decided on 26th January, 2023.

(Against the order of Lahore High Court, Lahore dated 04.02.2020 passed in W.P. No. 67 of 2020)

Constitution of Pakistan---

---Art. 185(3)---Interim orders passed by the High Court---Interference in such orders by the Supreme Court--Scope and exception---Settled policy of the Supreme Court is not to readily interfere in the interim orders passed by the High Court---Desirable course of action is that the court hearing the case finally decides the same before it is brought before the Supreme Court as piecemeal adjudication is not desirable---Only exception is when the interim relief granted by the High Court is arbitrary or unreasonable or reflects abuse of power or wanton exercise of discretion resulting in miscarriage of justice.

Muhammad Sadiq v. Bashir Ahmad PLD 1966 SC 717; Multan Development Authority v. Muhammad Ramzan PLD 1989 SC 629; Salah-Ud-Din v. Mst. Zia Farhat 1996 SCMR 1528 and Federation of Pakistan v. Shafiq Ul Hassan 2020 SCMR 2119 ref.

Dr. G.M. Choudhary, Advocate Supreme Court for Petitioner.

Nemo for Respondents.

Date of hearing: 26th January, 2023.

ORDER

SYED MANSOOR ALI SHAH, J.---Respondent No.1 through a constitutional petition challenged the initiation of inquiry against him on the charges of which he already stood exonerated in three previous inquiries. He contended before the High Court that the Chief Minister's Inspection Team has no authority to initiate the said inquiry against him. On the basis of these submissions the High Court issued notices to other side and granted interim relief to respondent No.1 on 03.1.2020 to the effect that no adverse orders be passed against him. The said interim relief was further extended vide order dated 04.2.2020.

2. It is the settled policy of this Court not to readily interfere in the interim orders passed by the High Court. It is desirable that the court hearing the case finally decides the same before it is brought before this court as piecemeal adjudication is not desirable. The only exception is when the interim relief granted by the High Court is arbitrary or unreasonable or reflects abuse of power or wanton exercise of discretion resulting in miscarriage of justice¹. We have examined the impugned interim order and find that it does not suffer from any grave illegality or abuse of process or gross injustice. We are, therefore, not inclined to interfere in the impugned order. Accordingly, this petition is dismissed and leave refused.

MWA/A-4/SC

Petition dismissed.