

IN THE SUPREME COURT OF PAKISTAN
(Constitutional Jurisdiction)

CMA No. _____ of 2021

in

Constitution Petition No. 76 of 2018

Shaukat Aziz Siddiqui Vs. Federation of Pakistan & another

**APPLICATION: UNDER ORDER XXXIII RULE 6 OF THE SUPERME COURT
RULES, 1980 FOR EARLY HEARING OF THE TITLED
CONSTITUTION PETITION**

Humble Submitted:

1. That the above-titled Constitution Petition is pending before this Hon'ble Court since 2018 against the recommendations and Report of Supreme Judicial Council followed by the purported concurrence by the President of Islamic Republic of Pakistan and a mechanical notification dated 11.10.2018 issued by the Ministry of Law & Justice, Government of Pakistan whereby the Petitioner was illegally and unconstitutionally removed from his office as the Judge of Islamabad High Court.

2. The it is pertinent to mention here that since 2018 no substantial proceedings took place except the issuance of notice after two and half years in January 2021. The matter got delayed for unknown reasons which is apparent on the face of the record inasmuch firstly frivolous office objections were raised against which a Miscellaneous Appeal bearing No. 140 of 2018 was filed which came up for hearing before a Larger Bench. The Hon'ble Larger Bench *vide* order dated 25.03.2019 allowed the said Miscellaneous Appeal and directed the office to number the titled Constitution Petition and set down the Petition before the Bench.


3. That despite the afore-referred unambiguous and clear order by a larger Bench of this Hon'ble Court the said petition was fixed for hearing even after passing of 11 months and getting frustrated by the slackness by the fixture branch of the Supreme Court, the Petitioner was constrained to file an application for early hearing whereupon the Petition was fixed for hearing on 13.02.2020. On that date, the case was adjourned to the third week of March 2020 without any substantive proceedings having taken place on that date.
4. That the once again the office sat over the file and did not fix the case on the date ordered by the Hon'ble Court. It again forced the Petitioner to file an application for early hearing and the case was fixed for 24.09.2020.
5. That on 24.09.2020 the matter was once again adjourned by this Hon'ble Bench with a direction to the office to fix the same after one month. Again, the case was not fixed as directed by the Hon'ble Bench. The Petitioner was compelled to write a letter to the Hon'ble Chief Justice of Pakistan for the fixation of the titled case at earliest. Taking notice of the said letter the Hon'ble Chief Justice of Pakistan was pleased to fix the case for 09.12.2020. On 09.12.2020, the Hon'ble Bench after proceeding with the matter very briefly in the connected petitions filed by the Bar Councils directed the office to fix the cases in January 2021 after objection therein were met. The office fixed the case on last day of January i.e. 28.01.2021.
6. That on **28.01.2021**, this Hon'ble Bench, hearing the matter, while adjourning the matter had orally observed that the case would be fixed in the month of February 2021. In any case, the Hon'ble Bench directed in its order dated 28.01.2021 that the matter be fixed at an early date. The Petitioner had filed an application for early hearing on 22.02.2021 and also wrote another letter to Hon'ble CJP for early fixation of the case.
7. That on 6.04.2021 CM for Interim relief was filed but same could not be fixed for hearing, for the reasons that the members of bench are occupied in full court, however, full court proceedings are concluded on 26.04.2021.

8. That on 28.04.2021 an application for early hearing was filed by the petitioner and case got fixed for 17.05.2021 but unfortunately it got de-listed to be fixed on 26.05.2021 surprisingly again it got de-listed before few hours of hearing without any reason stated.
9. That the Petitioner since his removal from office has not been employed for gain. The Petitioner like millions of other citizens has been guaranteed fundamental rights including but not limited to the rights to life, due process, dignity and access to justice. It is universally recognized principle that *justice delayed is justice denied*. The Petitioner has suffered immense irreparable loss due to the inordinate delay.
10. That it is pertinent to mention here that the Petitioner is due to retire on **30.06.2021**. It is therefore imperative in the interest of justice on the grounds set out above and to avoid serious prejudice to the Petitioner the Constitution Petition along with the CM be fixed for hearing on 01.06.2021 on day to day basis.

IT IS THEREFORE MOST RESPECTFULLY PRAYED THAT this Court may graciously be pleased to fix the matter of the Petitioner at the earliest preferably on **01.06.2021**

Any other relief to which the Petitioner may be entitled to in the facts and circumstances of the instant case.

Dated: 27 May 2021.

Filed by: 
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