

FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
(Original/Appellate/Advisory/Review Jurisdiction)

Present:

JUSTICE AMIN-UD-DIN KHAN, CHIEF JUSTICE
JUSTICE ALI BAQAR NAJAFI

C.P.L.As.800 & 1581/2023 AND CrI.A.383/2023

*[against the judgment dated 24.01.2023 passed by the
Peshawar High Court, Peshawar in W.P. Nos.56-P & 816-P/2021
and COC 346-P/2021 in W.P. No.4022-P/2020]*

Syed Ashfaq Anwar *[in C.P.L.A.800/2023]*
Sohail Ahmad *[in C.P.L.A.1581/2023]*
Muhammad Sajjad and others *[in CrI.A.383/2023]*
...Petitioner(s)

Versus

*Government of Khyber Pakhtunkhwa
through Secretary, Government of
Khyber Pakhtunkhwa Housing,* *[in C.P.L.A.800/2023]*
Peshawar and others
*Director General, Provincial Housing
Authority and others* *[in C.P.L.A.1581/2023]*
Muhammad Ali Shah and another *[in CrI.A.383/2023]*
...Respondent(s)

For the Petitioner(s) : Mr. Mudassar Khalid Abbasi, ASC
[in C.P.L.A.800/2023]
Mr. Sikander Bashir Mohmand, ASC
[in C.P.L.A.1581/2023 & CrI.A.383/2023]

For the Respondent(s) : N.R.

Research Assistance by : Dr. Muhammad Mumtaz
Research Officer

Date of Hearing : 21.09.2026

ORDER

AMIN-UD-DIN KHAN, CJ.- The cases in hand emanate from petitions originally instituted before the Supreme Court of Pakistan under Article 185 (3) of the Constitution of the Islamic Republic of Pakistan, 1973 (“the Constitution”), prior to the advent of the Constitution (Twenty-seventh Amendment) Act, 2025 (“the 27th Amendment”), seeking leave to appeal against the judgment dated 24-01-2023 rendered by learned Peshawar High Court in writ petition No.10-P/2021 including writ petitions No.816-P/2021, 56-P/2022 and COC 346-P/2021 in writ petition No.4022-P/2020. Through the impugned judgment, the learned High Court, while

exercising its constitutional jurisdiction, dismissed the writ petitions preferred by the petitioners. Subsequent to the constitutional reconfiguration brought about through the promulgation of the 27th Amendment, and in view of the transitional framework envisaged therein, the instant matter, stood transmitted to this Court and now falls for consideration and adjudication in accordance with law.

2. The controversy in these petitions arises out of the allotment of 2,100 square feet High Rise Flats in Phase-V, Hayatabad, Peshawar. The petitioners, serving officers of the Police Service of Pakistan, applied pursuant to advertisement dated 11.06.2020 issued by the Provincial Housing Authority, Peshawar ("PHA"), deposited the requisite amount and were declared successful in the computerized draw held on 20.06.2020. Their allotments were subsequently cancelled vide communications dated 27.08.2020 on the ground that, being Federal Government employees, they did not fall within the eligible class prescribed under the scheme. The Peshawar High Court, vide consolidated judgment dated 13.04.2021, declared the said communications to be without lawful authority and set them aside. Thereafter, upon reconsideration of the matter, the PHA issued fresh communications dated 21.12.2021 cancelling the allotments. The petitioners once again invoked the constitutional jurisdiction of the High Court through Writ Petition No.56-P/2022 and connected matters, including Contempt Petition No.346-P/2021; however, the same were dismissed vide consolidated judgment dated 24.01.2023. Hence, the instant Petitions for Leave to Appeal.

3. We have heard the learned counsel for the petitioners and have meticulously examined the record, including the advertisement issued by the respondents, the terms and conditions governing the allotment scheme, the subsequent correspondence, and the proceedings undertaken by the competent authorities.

4. The controversy, in substance, turns upon the question whether the petitioners, admittedly falling outside the prescribed eligibility criteria, could, merely by being declared successful in the computerized draw, acquire any vested, accrued or legally enforceable right to allotment. In our considered view, the answer

must necessarily be in the negative, for a selection or allotment process cannot, by itself, confer a substantive right upon a person who lacked the foundational eligibility prescribed by the governing terms of the scheme.

5. The advertisement constituted the very foundation and governing framework of the allotment scheme and, in unequivocal terms, circumscribed the class of persons entitled to participate therein. A plain reading of its terms makes it abundantly clear that the scheme was confined to retired Federal Government officers domiciled in Khyber Pakhtunkhwa who had rendered at least five years' service in Khyber Pakhtunkhwa/FATA, as well as Federal Government officers belonging to other provinces who had served in Khyber Pakhtunkhwa for the prescribed period of eight years. These eligibility requirements were neither collateral nor directory; rather, they constituted the essential conditions precedent to participation in the scheme and consideration for allotment. A person lacking such foundational eligibility could not, merely by entering the process or being reflected as successful in the draw, acquire a right which the governing terms of the scheme expressly withheld from him.

6. The petitioners, by their own admission and on the uncontroverted record, did not fall within the class of persons statutorily or administratively entitled to the benefit of the scheme at the material time. Being in-service Federal Government employees on the date of the computerized draw, they stood ex facie outside the circumscribed ambit of eligibility delineated by the advertisement and, therefore, could not lay a legally cognizable claim to allotment under a scheme expressly predicated upon the fulfilment of specified conditions precedent. The fortuitous emergence of their names in the computerized draw is of no juridical consequence and cannot operate as a curative mechanism for an antecedent and substantive disqualification. A draw of lots is merely an ancillary mode of selection amongst persons who have already crossed the threshold of eligibility; it neither constitutes a source of substantive entitlement nor possesses the legal efficacy to transmute an ineligible applicant into an eligible beneficiary. Selection cannot precede or supplant eligibility; nor can a

procedural act, howsoever concluded, be permitted to create a substantive right in derogation of the very conditions which constitute the foundation of the scheme. Any contrary construction would amount to judicially rewriting the eligibility criteria and enlarging, by implication, the beneficiary class beyond the parameters consciously and expressly prescribed by the competent authority.

7. It is a firmly entrenched principle of public law that an administrative authority, howsoever bona fide its conduct may be, cannot, by an act of omission, commission, inadvertence or mistake, transmute an otherwise ineligible claimant into an entitled beneficiary, nor can an erroneous administrative act operate to confer a substantive, vested or legally enforceable right in derogation of the governing law, rules or the express conditions of the scheme. Legality cannot be founded upon administrative inadvertence, nor can an error of the authority acquire the force of law by repetition or acquiescence. Correspondingly, a person who fails to satisfy the essential conditions of eligibility cannot derive an indefeasible entitlement merely because his application was entertained, processed, included in a computerized draw, or even reflected as successful therein. The legal character of an entitlement is determined by the governing framework and not by an erroneous act of an administrative functionary. An illegality committed by the authority cannot, by the mere passage of time or subsequent reliance thereon, ripen into a lawful right. To hold otherwise would be to subordinate the substantive conditions governing the conferment of a public benefit to an administrative error, thereby permitting the exception to consume the rule and the mistake of the authority to override the law itself.

8. The significance of the foregoing principle assumes greater legal complexion where the benefit sought arises from a limited public scheme, structured for the benefit of a specifically identified and narrowly defined class of beneficiaries. The scheme in question was manifestly not a transaction of unrestricted sale or a commercial offer extended indiscriminately to the general public; rather, it constituted a policy measure circumscribed by particular requirements of service, domicile and eligibility. The respondents,

therefore, were bound to administer the scheme within the confines of the eligibility parameters prescribed therein and could not, through an inadvertent or erroneous act of selection, enlarge the beneficiary class beyond the contemplation of the scheme. Permitting an admittedly ineligible person to retain an allotment merely on account of an error occurring in the selection process would not only defeat the essential conditions of the scheme but would necessarily operate to the prejudice of those applicants who actually satisfied the prescribed criteria and for whose benefit the public resource was earmarked. An administrative error cannot be invoked as an instrument for appropriating a scarce public benefit at the expense of an otherwise eligible claimant. Such a consequence would be antithetical to the principle of equal treatment and inimical to the very object and distributive purpose underlying the scheme.

9. In this conspectus, the contention that the petitioners acquired any vested, accrued or indefeasible right merely by virtue of having been declared successful in the computerized draw is fundamentally misconceived and legally unsustainable. A vested right must trace its origin to a lawful source; it cannot be founded upon an act undertaken in excess of, or in derogation of, the conditions governing the conferment of the benefit. Where the foundational eligibility is admittedly lacking, the subsequent event of selection is legally incapable of supplying, curing or retrospectively validating that inherent deficiency. The inclusion of the petitioners' names in the computerized draw could, at the highest, generate a qualified expectation that their claims would thereafter be examined and processed strictly in accordance with the governing terms of the scheme; it could not mature into an unconditional or indefeasible entitlement to allotment contrary to the very eligibility criteria upon which the scheme was predicated. Selection, in law, is consequential upon eligibility and cannot become its juridical substitute. Any contrary interpretation would not merely confer a benefit upon an ineligible applicant but would effectively validate an administrative act in excess of the authority conferred by the scheme itself.

10. We are equally unable to subscribe to the proposition that the respondents, upon discovering the patent ineligibility of the petitioners, were under any legal compulsion to perpetuate an allotment which had no lawful foundation merely because the same had been initially made. An erroneous administrative act does not acquire immunity from correction by reason of its prior occurrence, nor can the doctrine of finality be invoked to perpetuate an illegality once brought to the notice of the competent authority. Public authorities, particularly while administering a finite public resource under a structured scheme, remain under a continuing legal obligation to ensure that its benefits are confined to those persons who satisfy the prescribed conditions of eligibility. Once scrutiny of the record disclosed that ten applicants, being in-service Federal Government employees, had been declared successful notwithstanding their exclusion from the eligible class, the respondents were not only competent but legally justified in rectifying the manifest error and restoring the allotment process to the parameters of the governing scheme. To hold otherwise would be to accord legal sanctity to an administrative mistake at the expense of the scheme itself. Indeed, continuation of such allotments, despite the respondents' knowledge of the beneficiaries' ineligibility, would itself have exposed the administration to a legitimate complaint of arbitrariness, discriminatory preference and unequal treatment vis-à-vis those officers who had duly satisfied the prescribed eligibility conditions but were denied or potentially displaced from the benefit intended for them.

11. In this context, the principle embodied in section 21 of the General Clauses Act, 1897, assumes considerable significance. The provision, subject to the nature and source of the power exercised and the statutory or regulatory framework governing it, recognizes the corresponding authority of the competent forum to add to, amend, vary, rescind, revoke or recall an order previously made by it. The doctrine of *locus poenitentiae*, as reaffirmed by Supreme Court in Justice Tariq Mehmood Jahangri Case¹, proceeds on the rationale that an authority competent to make an order is not rendered functus officio merely because the order has been passed,

¹ Justice Tariq Mehmood Jahangiri, Judge, Islamabad High Court v. Mian Dawood, Advocate High Court and others, PLD 2026 Supreme Court 81

particularly where the order has not culminated in a definitive or irreversible legal consequence and is subsequently found to be contrary to law. That principle, however, does not confer upon an administrative authority an unbridled or plenary license to retract its orders at whim. The exercise of such power remains firmly conditioned by the source and limits of the jurisdiction, the governing statute, rules and policy, the terms of the scheme, and the fundamental requirements of fairness and natural justice. In the case at hand, the subsequent cancellation was not an arbitrary withdrawal of a lawful entitlement nor an attempt to divest an otherwise eligible beneficiary of an accrued right; rather, it constituted a rectificatory exercise of lawful administrative authority, undertaken upon discovery that the original allotments had been made in favour of persons who did not satisfy the essential eligibility conditions of the scheme. The respondents, therefore, could not legitimately be required to perpetuate an erroneous administrative determination merely because it had once been recorded. Indeed, once the underlying ineligibility came to light, correction of the error was consonant with, rather than destructive of, the rule of law and the governing framework of the allotment scheme.

12. The principle of *locus poenitentiae*, sought to be invoked by the learned counsel for the petitioners, is, in the circumstances of the present case, wholly inapposite and affords no juridical shelter to the petitioners. The doctrine cannot be pressed into service to preserve or perpetuate an administrative benefit which was void of lawful foundation ab initio and stood vitiated at its inception by non-compliance with the essential conditions governing the scheme. The judgment reported as PLD 1992 SC 207, *The Engineer-in-Chief Branch through Ministry of Defence, Rawalpindi and another v. Jalal-ud-Din*, relied upon by the learned counsel, does not advance the petitioners' case; rather, it underscores the distinction between a lawful exercise of discretionary power, subsequently sought to be recalled or rescinded, and an administrative conferment which itself suffers from an inherent legal infirmity. *Locus poenitentiae* is not a doctrine of validation and cannot be invoked to convert an unlawful act into a lawful entitlement. Where the foundational grant is itself contrary to the

governing law, no subsequent reliance upon such grant can clothe it with legality, and no equitable or procedural doctrine can be permitted to operate as an instrument for perpetuating an illegality. The petitioners, therefore, cannot derive any enforceable right from an allotment which, having been made in derogation of the prescribed eligibility criteria, was inherently incapable of ripening into a vested or indefeasible entitlement.

13. The rationale underlying the foregoing conclusion is elementary yet fundamental: there can be no legitimate expectation to the continuance of an illegality, nor can reliance upon an erroneous administrative act invest it with a legality which it inherently lacked. We are, therefore, firmly persuaded to hold that an erroneous grant does not, by reason merely of the beneficiary having acted upon it, altered his position in reliance thereon, or by the efflux of time, metamorphose into a lawful or indefeasible entitlement. Equally, the doctrine of estoppel cannot be invoked to disable a public authority from rectifying its own decision where such correction is imperative to bring the administrative action into conformity with the governing law, rules and conditions of the scheme. No estoppel can operate against the law, nor can administrative acquiescence override an express condition of eligibility. Public authorities, entrusted with the custody and allocation of scarce public resources, are constitutionally and legally obliged to administer such benefits within the prescribed parameters and without impermissible preference. The demands of public interest, equality and non-arbitrariness consequently require that the benefits of a public scheme be confined to those persons who satisfy, in letter and substance, the conditions lawfully prescribed for their conferment.

14. The earlier order of the learned High Court, whereby the initial cancellation communications were set aside, does not conduce to a different conclusion. The legal effect of that order cannot be stretched beyond its actual tenor and operative import so as to suggest that the petitioners were thereby judicially declared eligible under the scheme or that any indefeasible, accrued or enforceable right of allotment was adjudicated in their favour. The respondents were, instead, required to reconsider the

matter and proceed strictly in accordance with law and the governing conditions of the scheme. Pursuant thereto, a Special Committee was constituted, which undertook a fresh examination of the matter and, in observance of the requirements of fair hearing, afforded the petitioners an opportunity of personal hearing on 17.08.2021. The matter was further considered in the light of the opinion obtained from the learned Advocate General and was thereafter deliberated upon by the Committee in its meeting held on 14.12.2021. The subsequent decision, therefore, cannot legitimately be characterized as a mere reiteration of the earlier cancellation; rather, it followed a fresh, structured and procedurally compliant reconsideration of the petitioners' entitlement within the confines of the governing scheme.

15. The subsequent proceedings assume decisive significance in determining the legality of the impugned action. The petitioners were neither condemned unheard nor deprived of a meaningful opportunity to vindicate their claim. They were specifically afforded an opportunity to appear before the competent forum and to demonstrate, notwithstanding the express terms of the advertisement, the legal basis upon which they claimed eligibility under the scheme. Their representations and explanation were duly taken into consideration, whereafter the competent Committee arrived at a unanimous decision to cancel the allotments. The impugned action, therefore, cannot legitimately be characterized as a mechanical reiteration or administrative replication of the earlier cancellation; it was preceded by a fresh appraisal of the entire matter, consideration of the petitioners' representations, and application of the governing legal and policy framework. The maxim *audi alteram partem* embodies a requirement of procedural fairness and mandates that a person affected by an adverse decision be afforded a reasonable and effective opportunity of being heard; it does not, however, elevate such opportunity into a substantive right to demand a determination in his favour. Once a meaningful opportunity has been afforded, the obligation of the competent authority is to duly consider the explanation tendered and determine the matter in accordance with law; it is not required to accept an untenable claim merely because the claimant has been heard. The record

before us discloses no procedural impropriety of that character. On the contrary, the proceedings of the Special Committee demonstrate that the petitioners were personally heard, their case was considered at the competent level, and the ultimate decision was reached upon such reconsideration. The requirements of natural justice, therefore, stand satisfied in substance as well as in form. The competence of the Special Committee is also not shown to be lacking. No convincing material has been brought before us to establish that the Committee acted outside the scope of the authority vested in it. The mere fact that the Committee ultimately reached a conclusion adverse to the petitioners does not render its decision without jurisdiction.

16. We find considerable force in the submission that permitting the petitioners to retain the apartments notwithstanding their admitted ineligibility would result in an inherently anomalous, discriminatory and legally untenable consequence. It would have the effect of conferring a scarce public benefit upon persons falling outside the class expressly identified by the policy, while correspondingly foreclosing or prejudicing the claims of those for whom the scheme was specifically devised and who satisfy the prescribed eligibility conditions. The fortuitous passage of an ineligible application through a computerized draw cannot furnish a lawful basis for such preferential treatment. Administrative fairness does not consist in perpetuating an error merely because the error has already been committed; it consists in applying the governing criteria uniformly, consistently and without extraneous favour. The constitutional requirement of equality is therefore not met by replicating an erroneous departure from the prescribed criteria, but by ensuring their equal and faithful application to all similarly situated persons. To permit the petitioners to retain the allotments in the face of their admitted ineligibility would, in substance, convert an administrative mistake into a preferential entitlement and thereby undermine both the distributive purpose of the scheme and the principle of equal treatment underlying its administration.

17. Nor can the petitioners invoke the doctrine of legitimate expectation to overcome the express terms of the scheme.

Legitimate expectation cannot arise in derogation of an unambiguous eligibility condition. At its highest, the petitioners could legitimately expect that their applications would be dealt with fairly and in accordance with the prescribed procedure. They could not legitimately expect that an erroneous inclusion in the draw would override the substantive eligibility requirements.

18. We are, in the present proceedings, concerned with the legality, propriety and regularity of the decision-making process, and not with arrogating to ourselves the function of the competent administrative authority or substituting our own subjective assessment merely because some other view might conceivably have been taken. Judicial review is directed against the legality of the decision-making process and not against the merits of a decision within the lawful domain of the authority entrusted with that function. Where the competent authority acts within the four corners of its jurisdiction, takes into account the material considerations germane to the matter, excludes extraneous considerations, observes the requirements of natural justice, and arrives at a conclusion rationally referable to the governing legal and policy framework, judicial interference is not warranted unless the impugned decision is shown to be afflicted by a jurisdictional error, error of law, procedural impropriety, mala fide, arbitrariness or some other recognized ground of judicial review. Tested on the aforesaid touchstone, no such infirmity has been demonstrated before us. The eligibility conditions stood expressly and unambiguously incorporated in the advertisement; the petitioners admittedly did not fulfil those conditions; their ineligibility was subsequently detected upon scrutiny of the record; the matter was then subjected to fresh consideration by the competent forum; the petitioners were afforded an opportunity of personal hearing; the opinion of the learned Advocate General was obtained; and, upon consideration of the matter at the competent level, the Special Committee unanimously resolved on 14.12.2021 to cancel the allotments. The decision-making process, when examined in its entirety and in its proper legal context, reveals neither an assumption of jurisdiction not vested in the respondents nor an exercise of power in excess of the authority conferred upon them, nor any disregard of the prescribed eligibility criteria or the

principles of procedural fairness. The impugned decision consequently does not disclose any jurisdictional, substantive or procedural infirmity warranting constitutional or appellate interference.

19. The controversy, therefore, does not turn upon the factum of the petitioners having initially been declared successful in the computerized draw; the determinative question is whether such declaration, in the absence of the requisite foundational eligibility, could in law fructify into a substantive, vested or enforceable right which the governing scheme did not otherwise confer upon them. The answer admits of no ambiguity. It could not. Eligibility is the juridical threshold upon which selection rests; selection cannot, in point of legal consequence, precede or dispense with eligibility. The computerized draw constituted no more than a procedural device for identifying successful applicants from amongst those legally qualified to participate and possessed neither the statutory nor administrative efficacy to amend the advertisement, enlarge the class of intended beneficiaries, waive an essential condition, or otherwise override the express terms of the scheme. An erroneous selection, however formally recorded, cannot transmute an ineligible applicant into an eligible beneficiary, nor can it, by the mere force of administrative happenstance, ripen into a vested or indefeasible right. What the governing scheme did not confer, the process of selection could not create.

20. We are, therefore, of the considered view that the cancellation of the petitioners' allotments cannot, in law, be characterized as the withdrawal, deprivation or extinguishment of any vested, accrued or indefeasible legal right. What was brought to an end was not a lawfully perfected entitlement, but an erroneous administrative determination which, owing to the petitioners' failure to satisfy the essential eligibility criteria, was incapable of maturing into a legally enforceable right in the first place. The subsequent action of the competent authority was thus in the nature of rectification of an administrative error and restoration of the allotment process to the parameters prescribed by the governing scheme. Furthermore, the fresh consideration undertaken thereafter, coupled with the personal hearing afforded

to the petitioners and consideration of their representations at the competent level, effectively dispelled any procedural infirmity that might otherwise have been attributed to the initial cancellation. The impugned action, viewed in its entirety, therefore constituted lawful correction of an erroneous administrative act rather than unlawful withdrawal of a vested entitlement.

21. The contention that the respondents were bound by the initial allotment is consequently without legal substance. To accept such proposition would amount to holding that an administrative authority, after discovering that a public benefit had been extended to persons falling outside the prescribed class, is powerless to correct the error. Such an interpretation would not only frustrate the object of the scheme but would also permit an accidental or erroneous act of administration to prevail over the express terms governing the distribution of a public benefit.

22. So far as Criminal Appeal No.383 of 2023, arising out of the contempt proceedings, is concerned, the allegation that the respondents willfully violated the earlier judgment of the learned High Court by issuing the subsequent cancellation letters is equally without substance. The earlier judgment, whereby the initial cancellation communication was set aside, did not declare the petitioners eligible under the allotment scheme nor did it confer upon them an indefeasible right to retain the apartments irrespective of the prescribed criteria. The respondents, pursuant thereto, reconsidered the matter through the competent Special Committee, afforded the petitioners an opportunity of personal hearing, obtained the opinion of the learned Advocate General and thereafter, upon consideration of the matter, unanimously resolved on 14.12.2021 to cancel the allotments. The subsequent decision was thus not an act in defiance of, but an action taken in furtherance of, the earlier judgment and the requirement of lawful reconsideration. In the absence of any specific direction in the earlier judgment restraining the competent authority from examining the petitioners' eligibility afresh, the mere fact that the decision ultimately remained adverse to them cannot be converted into a charge of contempt.

23. Contempt jurisdiction is attracted by willful and deliberate disobedience of a clear, specific and binding direction of the Court, and cannot be invoked merely to secure enforcement of a right which itself remains disputed or to challenge the correctness of a subsequent administrative decision. Once the respondents undertook fresh consideration in accordance with the earlier judgment and afforded the petitioners due opportunity of hearing, the essential element of willful disobedience was absent. The subsequent cancellation, being founded upon the petitioners' ineligibility under the very terms of the scheme and having been preceded by a fresh decision of the competent authority, cannot constitute contempt of the earlier judgment. The contempt proceedings, therefore, disclose no deliberate or contumacious disregard of the authority of the Court. Criminal Appeal No.383 of 2023 is accordingly dismissed.

24. For the foregoing reasons, we are persuaded to hold that the petitioners, having failed to satisfy the essential eligibility criteria prescribed under the governing scheme, could not lawfully claim allotment of the apartments as a matter of vested, accrued or indefeasible right. The initial allotment, being founded upon an erroneous determination of eligibility, was incapable of maturing into an enforceable entitlement merely by virtue of the petitioners having been declared successful in the computerized draw. The subsequent decision of the competent Special Committee dated 14.12.2021 was preceded by a fresh consideration of the matter, afforded the petitioners an opportunity of personal hearing, and was rendered upon examination of the relevant record and material placed before it. The impugned cancellation was, therefore, neither without jurisdiction nor violative of the principles of natural justice, but constituted a lawful rectification of an erroneous administrative determination. No jurisdictional error, illegality, procedural impropriety, mala fide or other recognized ground of judicial review has been established so as to warrant interference in the exercise of constitutional jurisdiction.

25. In view of the foregoing discussion, the allotments made in favour of the petitioners, being contrary to the express eligibility conditions governing the scheme, were lawfully liable to be

cancelled by the competent authority. The impugned judgment, having correctly appreciated the factual and legal position, calls for no interference. No case warranting grant of leave to appeal has been made out. The petitions and the criminal appeal are, accordingly, dismissed with costs.

CHIEF JUSTICE

JUDGE

Islamabad.
21.09.2026
APPROVED FOR REPORTING
RajaAhsan/-