

**FEDERAL CONSTITUTIONAL COURT OF PAKISTAN**  
**(Appellate Jurisdiction)**

**Present:**

**Justice AAMER FAROOQ**

**Justice ROZI KHAN BARRECH**

**C.P.L.A.1089-K/2021**

(Against judgment dated 03.06.2021,  
passed by the High Court of Sindh at Karachi, in C.P.No. D-1497/2020)

Pakistan National Shipping  
Corporation through its Chairman

**...Petitioner(s)**

***Versus***

Nasir Kamal & another

**...Respondent(s)**

For the Petitioner(s) : Mr. Khalid Javed, ASC along with  
Zafarullah Khan, General Manager  
Legal Affairs, Pakistan National  
Shipping Corporation

For the Respondent(s) : N.R.

Date of Hearing : 19.02.2026

**ORDER OF THE COURT**

**JUSTICE AAMER FAROOQ:**

1. The petitioner is aggrieved by the decision of the Sindh High Court dated 03.06.2021 (**'impugned judgment'**), whereby writ petition filed by respondent under Article 199 of the Constitution, 1973 was allowed.

2. Learned counsel for the petitioner *inter alia* contended before us that while passing the impugned judgment, certain observations have been made therein, which are of general nature and were not prayed for by respondent No.1. It was contended that if the referred observations are left in field, the same would cause prejudice to the petitioner. It was further submitted that rules of service of petitioner-Corporation are non-statutory, hence the writ petition was not maintainable. We have heard the learned counsel and perused the record available.

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3. A perusal of the impugned judgment and the record indicates that the High Court addressed the issue of the writ petition's maintainability by observing that the matter concerns the payment of pension, which constitutes a fundamental right, therefore, the non-statutory nature of the relevant rules is considered immaterial. In our view, this observation of the High Court is sound and calls for no interference. However, the High Court did make certain general observations by way of direction to petitioner-Corporation and they find mention in paragraph-17 of the impugned judgment in the following manner: -

*“For future as well as for cases pending for calculation and/or payment of post-retirement benefits, PNSC is further directed to ensure compliance of the directions given by the Hon’ble Supreme Court in Haji Muhammad Ismail Advocate (supra) and Province of Punjab, through Conservator of Forest, Faisalabad (supra) in letter and spirit”.*

We feel that learned High Court exceeded its jurisdiction by making referred observations as the same amounts to *sua sponte* exercise of writ jurisdiction inasmuch as no relief was sought by respondent No.1 with respect thereto. See, e.g., *M/s Sadiq Poultry v. Government of KPK*, PLD 2023 SC 236; *Akhtar Abbas v. Nayyar Hussain*, 1982 SCMR 549. We are in agreement with learned counsel for the petitioner that above observations need to be expunged.

4. Learned counsel for the petitioner also argued that the impugned judgment was handed down after lapse of ten months. We take note of this concern. The said circumstance does not render the judgment invalid; however, it does cast a reflection on the Bench, as the decision was not delivered within reasonable time frame, thereby failing to administer justice expeditiously. The Supreme Court has already laid down that a judgment reserved by the High Court should be pronounced within a period of three months (90 days). See, e.g., *M/s*

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*MFMY Industries Limited v. Federation of Pakistan*, 2015 SCMR 1550  
(Per MIAN SAQIB NISAR, J.) at p.7.

5. The practice of reserving a judgment has evolved over the period of time. Where a Bench is uncertain as to the outcome of a petition, or where complex questions of law and fact arise, it may reserve the matter for careful deliberation and pronounce the judgment at a later date. We note that expediency of any legal system depends upon expeditious disposal of justice according to law and it is expected from all the courts of this country, including this Court, the Supreme Court and the High Courts to follow *MFMY Industries Limited, supra*, in letter and spirit.

6. In *MFMY Industries Limited*, the Supreme Court emphasised that “without a judgment, there is no concept of justice and/or fruitful outcome of litigation which without any fear of contradiction means that the State lacks an effective justice system” *Ibid*, at p.5 (quoting *MFMY Industries Limited*). It is mandatory for the trial court to pronounce judgment within 30 days of conclusion of the trial; and it was further observed and decided that it is expected that a High Court should decide the matter within 90 days of reserving the same. It was also opined if due to intricacies involved in the case or for some other reason it cannot be decided within 90 days then the case be fixed for re-hearing and in any case should be decided within 120 days, *ibid* at p.7.

7. The Supreme Court categorically suggested that a judgment handed down by the High Court after a lapse of 90 days is not invalid altogether, and even if pronounced after the set time periods provided therein, would not be vitiated but be “frowned upon” (quoting *MFMY Industries Limited*, at p.7) and this could form a valid ground for setting it aside (though we note that this exercise is taken cautiously by the Courts).

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8. The judgment, once reserved, becomes the exclusive domain for the judges/Bench to decide as to the fate of the case at hand. The judgment so reserved, if is leaked or known to the public by some means without it being transposed into an “order of the court”<sup>1</sup> regarding its result or fate, would render opinion of the author judge or the judges involved invalid (subject to the discretion of the head of the bench) inasmuch as practice is that when a judgment is reserved, a date of its announcement is fixed and the judgment is announced on that date in open court (before public) after notice to the parties and/or counsel<sup>2</sup>.

9. This practice has evolved from the Rules of the High Courts and the Supreme Court. In this behalf in Order X, Rule 1 of the Pakistan Supreme Court Rules, 2025 (adopted by this Court as well); “*the Court, after the case has been heard, shall pronounce judgment in open court, either at once or on some future day, of which due notice shall be given to the parties or their Advocates-on-Record and the decree or the order shall be drawn up in accordance therewith*” (emphasis supplied). Likewise, as noted above, the High Courts Rules provide similarly. The examination of the above provision(s) clearly shows that if the judgment is to be

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<sup>1</sup> A judgment becomes an order of the Court only when it is signed by the Judges. “The requirement of signing a judgment is not a mere formality. It is an act which makes the judgment perfect and complete”. See, e.g., *High Court on its Own Motion v. Sunder Singh*, AIR 1986 HP 47 (Per P.D. DESAI, J.). Unless it is duly signed by the judges and formally pronounced or made public, it remains merely a draft; any disclosure thereof would amount to a blatant breach of the confidentiality of our court system.

<sup>2</sup> In 2004, the Supreme Court of Azad Jammu and Kashmir encountered a situation in a case wherein a learned Single Judge of the High Court heard a matter but referred it to the Chief Justice of the High Court for the formation of a larger bench, which was duly constituted. The matter was thereafter heard by a Division Bench. Upon conclusion of the proceedings, the case was reserved on 07.06.2001. After it had been reserved, the Chief Justice alone announced the reserved judgment on 12.06.2001 and subsequently directed the office to inform the parties. Notice was sent and received on 18.06.2001, and an attested copy of the reserved judgment was supplied to the parties on 28.06.2001. It later transpired that the judgment bore only the signature of the Chief Justice and not that of the other learned Judge who was a member of the Bench (Justice Muhammad Riaz Akhtar Chaudhary). The Supreme Court of AJ&K held that “This practice is not recognized by law. Before the judgment is announced through short or comprehensive order, the same must contain the signatures of the learned members of the Court but in this case, as has been rightly pointed out by the learned counsel for the appellant, this procedure was adopted contrary to the High Court Procedure Rules as well as the settled practice of the Courts”. See, e.g., *Muhammad Anwar v. Maqsood Ahmad*, 2004 MLD 905 (Per KHAWAJA MUHAMMAD SAEED, J.)

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pronounced on some future date and is not handed down in the open court on the date of hearing then notice is to be given to the parties and/or their counsel. If any person or party comments upon, discloses, or circulates the contents of a reserved judgment prior to its formal pronouncement and issuance as an order of the Court, such conduct may constitute an offence.

10. If any person or any member(s) of the bench advertently or inadvertently makes known the contents of the opinion without there being a pronounced judgment or order of the court, he/she violates the Rules and the settled practice. Consequences that thereof ensue are that, it makes the pronouncement invalid (subject to the discretion of the head of the bench) with the result that the matter ought to be heard again by the same bench or some other bench (the desirable course is that the matter be heard by some other bench). If the head of the bench, makes a decision that the leak or non-abidance of the practice in terms of reserved judgment has made the pronouncement invalid, he will set the matter for rehearing. In the case of this Court and the High Courts, the matter will stand referred to the Chief Justice, who is the master of the roster; however, in the case of the Supreme Court, it will be forwarded to the Practice and Procedure Committee.

11. If the bench comprises of more than one judge then the bench head decides as to who shall write the judgement. If he decides to keep the matter before himself then he shares the signed judgement with the other members who then either agree or disagree with him (if the final result is undecided) and they will let their opinion known within the set time frame as provided in *MFMY Industries*. However, if other members of the bench write their dissent or additional note there has to be a signed opinion by the author judge.

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12. The status of the High Court Rules, Supreme Court Rules and this Courts' Rules is that of law. Any one who flouts the law shall have to face the consequences. The opinion expressed hereinabove regarding announcements of judgements is, as already noted, primarily based on the Rules of the Courts but some of it is a result of conventions/norms evolved over a period of time other than the relevant Rule(s). The High Court Rules have the status of law as was held by the Supreme Court in *Muhammad Ashfaq v. The State*, PLD 1973 SC 368 (Per CHIEF JUSTICE HAMOOD UR REHMAN). Adherence to the Rules of the Superior Court is mandatory for the members of the judiciary as well as employees of the establishment.

13. The reasons for the preceding observations are that, it has been observed that in recent past there have been deviations from the Rules of the Courts and even settled practices. It is essential for every one (including the judges) to adhere to these Rules and the practices in order to make the dispensation of justice certain and transparent. The hallmark of any system is the Rule of Law, and for us to excel in that sphere, we must faithfully adhere to our established norms and the law of the land, including the rules and regulations we have devised for the effective adjudication of cases. In a system burdened with a backlog of cases, it is imperative that justice be administered expeditiously, without unnecessary delay. A growing tendency has been observed whereby judgments are reserved and pronounced after considerable lapse of time, leaving the rights of the parties in a state of uncertainty while they await the Court's opinion. Such delay compounds the hardship of litigants. Such conduct on our part cannot, with respect, be allowed and is strictly forbidden. The sanctity and confidentiality of our work stand as hallmarks of judicial independence. Any breach thereof

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warrants strict action, and no one can be permitted to flout the rights of the people.

14. As we have addressed issues relating to reserved judgments and the judicial conduct connected therewith, let a copy of this judgment be circulated to the High Courts for strict compliance and observance.

15. As noted above, observations made in the concluding paragraph by the learned High Court are superfluous and amounts to exceeding its jurisdiction hence need to be expunged. As far as merit of the case are concerned, they need no interference.

16. For the above reasons, instant petition is disposed of by way of expungement of the above-mentioned remarks by the learned High Court in the concluding paragraph, whereas no interference is required as far as merit and maintainability is concerned and instant petition is accordingly dismissed. Leave is refused.

*The order is hereby made.*

**JUDGE**

**JUDGE**

**Islamabad**  
**19.02.2026**

Zawar/

**APPROVED FOR REPORTING**