

FORM No. HCJD/C-121
ORDER SHEET
IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

For Private Use

Com. Section
Lahore High Court, Lahore

17/02/24

W.P. No.82996 of 2023

Muhammad Imtiaz Versus The Secretary Government of the Punjab and others

Sr. No. of order/ proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties of counsel, where necessary
------------------------------	---------------------------	--

13.2.2024

Mr. Allah Nawaz Khosa, Advocate for petitioner.
Mr. Waheed Alam, Asst. Advocate General (on Court call).

Petitioner earlier filed W.P. No.13882 of 2020 titled Muhammad Imtiaz v. Secretary, Livestock & Dairy Development Department, etc. encapsulating the prayer that a direction may be issued to respondent No.1 to decide the pending representation of the petitioner which was remitted to the said respondent vide Order dated 06.3.2020 (annex "C") with a direction to treat the same as representation, look into the grievance raised and dispose of the same in accordance with law. The constitutional petition was followed by Crl. Org. No.62857 of 2023 titled Muhammad Imtiaz v. Muhammad Masoud Anwar, Secretary, Livestock & Dairy Development Department, Punjab, Lahore voicing the complaint that order dated 06.3.2020

206

remained uncomplied which was disposed of by Order dated 27.9.2023 (annex "D") with the observation that copy of the decision disposing of the representation of the petitioner as directed vide Order dated 06.3.2020 in W.P. No.13882 of 2020 shall be immediately provided to the petitioner and if due to some bona fide inadvertence this could not be done and the matter was still pending respondent functionary shall ensure its disposal within stipulated time being recorded as a matter of grace as no actual timeframe was specifically stipulated in the Order dated 06.3.2020 itself.

2. The petitioner by the instant petition has now called into question order dated 13.9.2020 of respondent No.1 (annex "E") whereby the representation of the petitioner was apparently disposed of in compliance with Order dated 06.3.2020. Perusal of the impugned order shows that the representation was declined. Petitioner claims that the order was not communicated timeously to explain the filing of the present constitutional petition.

3. One of the grounds taken to assail the decision dated 13.9.2020 is that the order is

ATTESTED
Examiner
Copy to the Section
Lahore High Court, Lahore

non-speaking in nature. Scrutiny of the assailed order dated 13.9.2020 imparts credence to this grievance as a cursory glance at the same fortifies the response as to it being non-speaking as the order does not contain any analysis for arriving at the adverse conclusion to be characterized to fulfill the requirements qua "speaking-orders" as developed under jurisprudence related to clause 24-A of the General Clauses Act, 1897 of which it falls conspicuously short.

4. Learned Law Officer on being confronted is unable to defend the non-speaking and mechanical nature of the order.

5. In the circumstances it will be appropriate that the petitioner be given a proper opportunity of hearing and a fresh order be made that is well-reasoned and speaking in nature presenting the facts and analysis of the rules attracted to justify the resultant conclusions. Of course, if still aggrieved by the outcome of such exercise, the petitioner will be at liberty to avail his remedy as may be tenable at law.

ATTESTED
Examiner
Copy Control Section
Lahore High Court, Lahore

OK

6. Office is, accordingly, directed to send copy of instant petition along with its all annexures to respondent No.1/The Secretary Government of the Punjab, Livestock & Dairy Development Department, Punjab, 16-Cooper Road, Lahore who by treating it as representation on behalf of the petitioner will dispose of the same by a well-reasoned and speaking order passed on its own merits and in accordance with law after opportunity of hearing to all concerned and being uninfluenced by impugned order dated 13.9.2020.

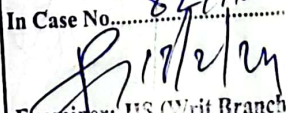
7. Petitioner is directed to attend the office of respondent No.1 on 22.2.2024 at 11:00 P.M. It is expected that the representation as observed supra will be disposed of within 30 days of the given date. Order so made shall be promptly conveyed to the petitioner on issuance. Learned Law Officer shall communicate the Order of the Court to concerned quarters for timely compliance.

8. Disposed of.


(RASAAL HASAN SYED)
JUDGE

Rabbani

Examiner Copy Supply Section
Authorized Under Article 87 of
Qanun-e-Snahadat Order 19
17/02/24

True Copy
In Case No. 82996-13

Examiner: JIS (Writ Branch)
Lahore High Court, Lahore