

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

**Larger Bench**

Mr. Justice Amin-ud-Din Khan  
Mr. Justice Jamal Khan Mandokhail  
Mr. Justice Syed Hasan Azhar Rizvi  
Ms. Justice Musarrat Hilali  
Mr. Justice Irfan Saadat Khan

**Intra Court Appeals No.1 and 2/2024 in Constitutional Petition No.19/2020**

*Federation of Pakistan through the Secretary,  
Ministry of Law and Justice Islamabad*

*(Intra Court Appeal No.1/2024)*

*Afiya Shehrbano Zia and others*

*(Intra Court Appeal No.2/2024)*

....Appellants

***Versus***

*Supreme Judicial Council through its Secretary,  
Supreme Court Building, Islamabad and others*

....Respondents

For the appellants:

Mr. Mansoor Usman Awan, Attorney General assisted by Ms. Maryam Ali Abbasi, Advocate and Ms. Maryam Rashid, Advocate.

Ch. Aamir Rehman, Additional Attorney General.

Malik Javid Iqbal Wains, Additional Attorney General.

Raja M. Shafqat Abbasi, Deputy Attorney General.

Mr. Anis Muhammad Shahzad, AOR

*(in ICA.1/2024)*

Mr. Waqas Ahmad Mir, ASC.

Ch. Akhtar Ali, AOR assisted by Mr. Hammad Hussain Shah, Advocate and Mr. Anas Irtiza, Advocate.

*(in ICA.2/2024)*

For the respondents:

Mr. Mansoor Usman Awan, Attorney General assisted by Ms. Maryam Ali Abbasi, Advocate and Ms. Maryam Rashid, Advocate.

Ch. Aamir Rehman, Additional Attorney General.

Malik Javid Iqbal Wains, Additional Attorney General.

Raja M. Shafqat Abbasi, Deputy Attorney General.

Mr. Anis Muhammad Shahzad, AOR

*(respondent No.5 in ICA No.2/2024)*

Mr. Waqas Ahmad Mir, ASC.

Ch. Akhtar Ali, AOR assisted by Mr. Hammad Hussain Shah, Advocate and Mr. Anas Irtiza, Advocate.

*(for respondents No.3,4,6,7,8 & 10 in ICA No.1/2024)*

Amici curiae

Mr. Muhammad Akram Sheikh, Sr. ASC assisted by Mr. Abu Bakar Siddique, Advocate and Ms. Sehar Mahsud, Advocate.

Kh. Muhammad Haris, Sr. ASC assisted by Mr. Yaser Aman Khan, ASC.

Mr. Faisal Siddiqi, ASC assisted by Mr. Muhammad Usman Mumtaz, Advocate.

*(video link @Karachi)*

Mr. Abdul Moiz Jaferii, Advocate High Court  
(video link @Karachi)

Date of Hearing: 21 February 2024

**ORDER**

For the reasons to be recorded later, the delay in filing both the appeals is condoned. Both the appeals are partially allowed to the extent that if the proceedings have already been initiated by the Supreme Judicial Council (**SJC**) against a Judge, same shall not abate on his resignation or retirement, as the case may be, during such proceedings. It is the prerogative of the SJC to proceed with the matter accordingly. The impugned judgment is modified to that extent. This order is with the majority of four by one disagreeing (Syed Hasan Azhar Rizvi, J.) on the point of limitation as well as on merits.

Judge

Judge

Judge

Judge

Judge

Islamabad  
21 February 2024.  
(Mazhar Javed Bhatti)