

*The*  
**PESHAWAR HIGH COURT**  
*Peshawar*

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

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No. 966-1020/Adm

Dated Peshawar, the: 14/1/18

To:

1. ALL THE DISTRICT & SESSIONS JUDGES/ZILLA QAZIS
2. EX-CADRE JUDGES  
IN THE KHYBER PAKHTUNKHWA

Subject: INSTRUCTIONS

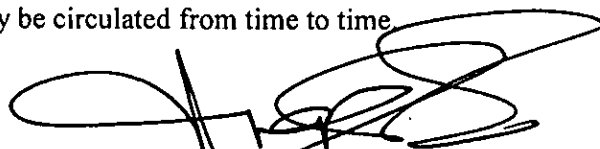
Dear Sir/Madam,

The Competent Authority, with a view to ensure the obligatory obedience to the Constitution, and streamlining the jurisdiction of courts in certain matters of public interest, has been pleased to direct for issuance of the following guidelines for compliance at all levels of the courts in addition to the instructions already issued from time to time and available in the Judicial Estacode:-

- Article 5 of the Constitution of Islamic Republic of Pakistan commands for obedience to the Constitution as the inviolable obligation of every citizen wherever he may be. Deviation from the Constitution on part of the judges amounts to misconduct.
- Encroachment of public property amounts to infringement of public interest. Removal of such encroachment is an administrative matter. The administrative pursuit in accordance with law, in absence of valid reasons, should not be frustrated by grant of stay orders. Invariable approach of granting stay orders in encroachment cases of public property is tantamount to stopping the operation of laws of encroachment, and in turn, it is the violation of law.
- When the jurisdiction of ordinary courts in the service matters is excluded under the law, the entertainment of cases in such matters and particularly granting of stay orders is unlawful and it should be avoided at all levels of the ordinary courts.
- Bail matters in the criminal cases usually becomes a cause of delay for the process of investigation and ultimately for commencement of trials. The timeframe given from time to time for disposal of all types of bail matters should be adhered to positively. The delay in disposal of Pre Arrest Bail

applications and Bail Cancellation Applications is particularly deplorable. It is essential for the courts at all levels to discourage the delay in disposal of bail matters by meticulous observance of the timeframe for their disposal given in various instructions issued from time to time.

- Careless exercise of jurisdiction regarding ad-interim stay matters, particularly omission in their timely disposal, is highly undesirable. All interlocutory stay matters for the time being pending any courts should be heard and disposed of in accordance with law immediately by fixation of short date of hearing. In future, the courts at all levels should ensure the disposal of interim stay matters within the legal timeframe, failing which, the concerned Judicial Officer(s) will be held accountable.
- Gas Tariff cases, whether pending before the High Court or Gas Utility Courts at districts levels should be disposed of in accordance with law, as early as possible. Regard should be had to the fact while granting stay orders in such cases, whether it is permissible under the law or not. In case any matter of interim stay order subject to its permissibility under the law is entertained, it should be disposed of within fifteen days positively. If not, the accountability shall follow.
- The Hon'ble Supreme Court of Pakistan and this Court from time to time direct for circulation of judgments containing directives relating to administration of justice and due process of law. All the courts are required to comply with such directives in letter and spirit of the judgments so far circulated or may be circulated from time to time.

  
(KHWAJA WAJIH-UD-DIN  
Registrar 16.1.19

**Endst: No & date even**

**Copy forwarded to:**

All the Private Secretaries of this Court for placing the same before the Hon'ble Judges for their kind information.