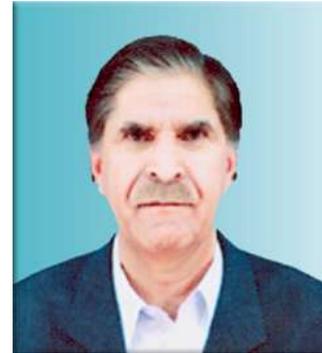


Supreme Court of Pakistan declared the appointment Notification of new Provincial Ombudsman, KPK illegal and asked the earlier incumbent of the said office to continue

In pursuance of Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010, the Governor, Government of Khyber Pakhtunkhwa had appointed Mr. Badshah Gul Wazir, - a retired BS-21 officer, as Provincial Ombudsman for a period of four years with effect from the date of his taking over the oath of his office. Accordingly, he took oath of the above office on 5th January, 2011. Later on the Government of Khyber Pakhtunkhwa amended Section - 4 of the aforementioned Act, stating that the Provincial Ombudsman shall hold office for a period of four years or till the age of sixty-two years, whichever is earlier and shall not be eligible for any extension in his tenure or for re-appointment as Provincial Ombudsman, under any circumstances.



As the date of birth of Honorable Mr. Badshah Gul Wazir was 10th April, 1951 and he had already attained the age of sixty-two years, the Government of Khyber Pakhtunkhwa, in the light of modified Section 4 of the Act, de-notified his appointment on 29th October, 2013 and subsequently appointed Mr. Khurshid Anwar as Provincial Ombudsman for a period of four years or till the age of sixty-two years, whichever is earlier from the date of taking oath of the office and issued notification on 30th October, 2013. Honorable Mr. Badshah Gul Wazir assailed both the notifications amending there in Act as well as the de-notification of his appointment in the Honorable Peshawar High Court, Peshawar but his appeals were dismissed. Accordingly, he filed Civil Petition No. 1080 of 2014 before the Supreme Court of Pakistan which heard the respective parties on 17th September, 2014. Mr. Asif Fasihuddin Vardag represented the petitioner.

The Supreme Court of Pakistan vide judgment dated 19th September, 2014 held that the amendment made to Section – 4 of the above Act does not contain any element whereby appointment of appellant as a Provincial Ombudsman was to be revoked, repealed, withdrawn or cancelled, therefore, the tenure of the appellant cannot be curtailed. Accordingly, the notification appointing Mr. Khurshid Anwar as Provincial Ombudsman was declared to be illegal, without jurisdiction and of no legal effect and ordered that the appellant, Mr. Badshah Gul Wazir will continue to hold the office of the Provincial Ombudsman Khyber Pakhtunkhwa for a period of four years which shall commence from the date he took oath of his office.