

**CASE LAW ON MAINTAINABILITY OF CONSTITUTIONAL PETITIONS IN CASES
WHERE A STATUTE OR RULE UNDER WHICH THE IMPUGNED ORDER IS
PASSED, ITSELF PROVIDES THE REMEDY OF APPEAL**

In a recent judgment in the case M/s Pakistan WAPDA Foundation vs. The Federation of Pakistan etc. (Writ petition No. 212344 of 2018), the honorable Lahore High Court in its judgment dated 16-05-2018 has upheld the already well established legal principle that where a statute or rules under which the impugned order is passed, itself provides the remedy of appeal, petitions in such matters are not maintainable preferred before High Court. While upholding the said legal principle, the court has placed reliance on the following cases;

- William Lawrence v. Government of Pakistan and others **(1986 PSC 383)**;
- Government of Pakistan through Secretary, Ministry of Interior and Narcotics Control (Interior Division), Board, Islamabad v. Muhammad Yasin, Sub Inspector No. 525-L WAPDA Anti Corruption, Lahore and other **(PLD 1997 SC 401)**;
- Al Ahram Builders (Pvt) Ltd v. Income Tax Appellate Tribunal **(1993 SC 539)**;
- Raja Muhammad Ramzan and 21 others v. Union Council, Bajnial and another **(1994 SCMR 1484)**;
- Wealth Tax Officer and another v. Shaukat Afzal and 4 others **(1993 SCMR 1810)** and;
- Syed Qamar Ahmad and another v. Anjum Zafar and others **(1994 PSC 206)**.

The above cases may be used for reliance or citation in constructing arguments for the department in cases where maintainability of writ / constitution petition is involved in similar context.