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Judgment Sheet

**IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT**

Case No: W.P. 5406/2011

Syed Riaz Ali Zaidi Versus Government of the Punjab, etc

JUDGMENT

Dates of hearing:	20.01.2015, 21.01.2015, 09.02.2015 and 10.02.2015
Petitioner by:	Mian Bilal Bashir assisted by Raja Tasawer Iqbal, Advocates for the petitioner.
Respondents by:	Mian Tariq Ahmed, Deputy Attorney General for Pakistan. Mr. Muhammad Hanif Khatana, Advocate General, Punjab. Mr. Anwaar Hussain, Assistant Advocate General, Punjab. Tariq Mirza, Deputy Secretary, Finance Department, Government of the Punjab, Lahore. Nadeem Riaz Malik, Section Officer, Finance Department, Government of the Punjab, Lahore.
Amici Curiae:	M/s Tanvir Ali Agha, former Auditor General of Pakistan and Waqqas Ahmad Mir, Advocate.
Assisted by:	M/s. Qaisar Abbas and Mohsin Mumtaz, Civil Judges/Research Officers, Lahore High Court Research Centre (LHCRC).

“The judiciary should not be left in a position of seeking financial and administrative sanctions for either the provision of infrastructure, staff and facilities for the judges from the Executive and the State, which happens

to be one of the largest litigants....autonomy is required for an independent and vibrant judiciary, to strengthen and improve the justice delivery system, for enforcing the rule of law¹.”

Syed Mansoor Ali Shah, J:- This case explores the constitutionalism of financial autonomy and budgetary independence of the superior judiciary on the touchstone of the ageless constitutional values of *independence of judiciary* and *separation of powers*.

2. Additional Registrar of this High Court has knocked at the constitutional jurisdiction of this Court, raising the question of non-compliance of the executive authority of the Federation by the Provincial Government, as the direction of the Prime Minister to the Provincial Government to enhance the allowances of the staff of the superior judiciary goes unheeded. During the course of hearing, this legal question has snowballed into a far more significant constitutional issue regarding the constitutional protection of the *financial and budgetary autonomy* of the High Court.

3. The facts are that the Prime Minister in the year 2011 allowed an increase in the pay of the staff of the superior judiciary across the country, by granting them an enhancement of *50% Judicial Allowance and 50% Adhoc Allowance (“Allowances”)* w.e.f. 01.07.2010. However, more importantly, the matter was also taken up by the Lahore High Court and was duly approved and sanctioned. The inaction and the silent refusal on the part of the Provincial Government to honour the budgetary approval of the Allowances by the High Court is not

¹ Manmohan Sarin J in *Delhi Judicial Service Association (Regd.) vs. Govt. of Nct of Delhi and another* [2000(88)DLT 710]

only violative of the constitutional financial procedures provided under Articles 121 and 122 of the Constitution of the Islamic Republic of Pakistan, 1973 (“**Constitution**”) but also corrodes the *financial autonomy* and as a result the *independence of the judiciary* which forms the bedrock of our constitutionalism.

4. Learned counsel for the petitioner goes on to submit that under Article 208 of the Constitution, read with Rule 17 of Chapter 10, Part “C” of the High Court Rules and Orders (Vol-V), it is the High Court that determines the remuneration of the staff of the High Court and the only constitutional role of the Provincial Government is to include this amount in the *charged expenditure* of the Annual Budget Statement and place the same before the Provincial Assembly, where it may be discussed but cannot be put to vote.

5. He also submitted that the officers and servants of the Judicial Branch of the State, in particular, the High Court, belong to a separate judicial administrative cadre as envisaged under Article 208 of the Constitution, and are distinct from a civil servant and other employees of the other two branches of the State. This is also so because of the distinct job description, scope of work, working hours and professional responsibilities and cannot be considered at par with the civil servants working in the executive branch of the Province.

6. Learned Advocate General, Punjab submits that the Prime Minister’s directive to grant Allowances to the staff of the Lahore High Court is not binding on the Provincial Government. He submitted that under Rule 17 of the High Court Rules and Orders any increase in administrative expenses including increase in remuneration to the officers and servants

of the High Court is subject to the approval of the Governor. He referred to an earlier decision of the Governor, communicated to the Registrar of this Court vide letter dated 15.07.2010 issued by the Finance Department, wherein 50% Adhoc Allowance-2010 was announced by the Governor, but was not extended to certain departments and institutions including the judiciary who had already been allowed a similar allowance. He went on to submit that matters pertaining to allocation of finance are policy matters and fall within the domain of the executive, therefore, increase in the administrative expenses of the High Court including remuneration of the officers and servants of the High Court is subject to the approval of the Governor. He, without any supporting evidence, submits that special judicial allowance has already been given to the staff of the Lahore High Court in the past and, therefore, the salaries of the staff of the Lahore High Court are far better than the salaries drawn by staff of the other High Courts.

7. He submitted that, during the course of hearing of this case, Provincial Government has voluntarily agreed to grant 50% Judicial Allowance to the staff of Lahore High Court w.e.f. 01.07.2014 vide Notification dated 04.09.2014 and adds that the Governor has extended this relief under Article 208 of the Constitution.

8. Mr. Waqqas Ahmad Mir, Advocate/learned amicus curiae, submitted that the directions issued in letters dated 26.01.2011 and 01.02.2011 by the Ministry of Law, Justice and Parliamentary Affairs Division, Government of Pakistan are in exercise of the executive authority of the Federation and cannot be turned down by the Provincial Government. He submits that the requisition put up by the Lahore High Court for

enhancement of 50% Judicial Allowance and 50% Adhoc Allowance vide letter dated 20.05.2013 to the Provincial Government has received no response and Government is sitting on it since then. He submits that under Article 208 of the Constitution, the High Court Rules have to be approved once by the Governor and thereafter the exercise of power under the said rules by the Chief Justice of this Court is not subject to repeated approvals of the Governor. Any such interpretation would mar the administrative independence vested in the judiciary under Article 208 of the Constitution.

Opinion of the Court

Facts:

9. The Finance Minister, Government of Pakistan made the following recommendation on 19.12.2010:-

“The superior judiciary and its staff may be provided a general increase in Pay and Judicial Allowance at the uniform rate of 50% as made applicable to government servants in the Budget.”

Thereafter, the Ministry of Law, Justice and Parliamentary Affairs, Government of Pakistan put up a summary before the Prime Minister on 20.12.2010 titled “Increase in the pay and judicial allowance of the Judges and staff of the superior judiciary.” The relevant extracts of the summary are as follows:-

“While reviewing the impact of the salary increase in the budget and to firm up the forecasts of pay and allowances for the full financial year (2010-11), it was noticed that the salary increases had not been applied to the Superior Judiciary.

2. An adhoc relief @ 50% and 100% of basic pay was

given to all civil servants and the members of Armed Forces respectively by the government w.e.f. Ist July, 2010. However, no relief has been allowed to the Judges and staff of the superior judiciary so far due to the reasons that they do not fall under the definition of civil servants.

3. Ministry of Finance has agreed that the superior judiciary and its staff may be provided a general increase in pay and Judicial Allowance at the uniform rate of 50% as made applicable to government servants in the budget 2010-11 (Annex-I).

4.

5.

6.

7. The Prime Minister is requested to approve 50% increase at the uniform rate of the basic pay and Judicial Allowance to the staff of the Superior Judiciary w.e.f. Ist July, 2010.

8.

9. This summary has the approval of the Minister for Law, Justice & Parliamentary Affairs.”

The same was approved and letter dated 26.01.2011 was issued to all the respective Registrars of the superior judiciary by the Law, Justice and Parliamentary Affairs Division, Government of Pakistan. The letter stated:

“I am directed to say that the Prime Minister has been pleased to approve 50% increase at the uniform rate of the basic pay and Judicial Allowance to the staff of the Superior Judiciary with effect from 1st July, 2010.”

A similar letter dated 01.02.2011 was issued to all the Secretaries of the Finance Departments of the respective Provincial Governments.

10. Initially, Lahore High Court wrote to the Accountant General, Punjab for implementing the decision of the Prime

Minister vide letters dated 02.02.2011 and 03.02.2011. Thereafter, the matter was put up before the Administration Committee of this Court, to examine the merits of the said Allowances, in its meeting held on 18.02.2012. The Administration Committee of this Court proposed that a Sub-Committee may examine the matter. The Sub-Committee deliberated upon the issue and recommended that the Allowances be paid to the staff of the High Court w.e.f. 01.07.2010 in its meeting held on 02.02.2013. Thereafter, the matter was put up before the Administration Committee, which approved the recommendations of the Sub-Committee on 15.05.2013. The Registrar of this Court on 20.05.2013 placed the decision of the High Court before the Governor. Since then there has been no response in this regard.

11. It is an admitted fact that after the grant of Allowances to the staff of the superior judiciary, they are since being paid to the staff of the superior judiciary, across the country, including the august Supreme Court of Pakistan, Federal Shariat Court, as well as, all the other High Courts of Pakistan except the Lahore High Court. In some cases the Provincial Government simply implemented the decision of the Prime Minister, and in other, independent and separate decision of the respective judiciaries was implemented.

12. The question before this Court is whether administrative expenses of the High Court, which under the Constitution is an *expenditure charged* on the Provincial Consolidated Fund under Articles 121 and 122 of the Constitution, once approved and claimed by the High Court, can be ignored or turned down by the Provincial Government or the Provincial Legislature?

13. Judicial independence is composed of at least five aspects: (1) Non-political appointments to a court; (2) guaranteed tenure and salary; (3) executive and legislative interference with court proceedings or office holders; (4) budgetary autonomy; (5) administrative autonomy.² Constitutionalism of *financial autonomy* of the judiciary finds its roots in the preambular constitutional values which state that “the principles of democracy... shall be fully observed” and that “independence of judiciary shall be fully secured.” These values are echoed more substantively in the Objectives Resolution when read with Article 2A of the Constitution. Article 175 reaffirms independence of judiciary on the basis of separation of powers. Article 208 provides administrative independence and insularity to the judicial branch by empowering the judiciary to appoint its officers and servants on their own terms and conditions of employment. This constitutes separate cadre of judicial administrative staff, distinct from the staff and officers of the Executive or the Legislative Branches of the State. This thought has been echoed earlier in Registrar, Supreme Court of Pakistan, Islamabad v. Qazi Wali Muhammad (1997 PLC (C.S.) 137), Government of the Punjab through Secretary, Finance Department, Lahore v. Mubarik Ali Khan and 8 others (PLD 1993 SC 375), Muhammad Yaqub Butt, Additional Registrar, Lahore High Court v. Government of the Punjab through Chief Secretary and another (PLD 1992 Lahore 527) and Messrs Nusrat Elahi and 41 others v. The Registrar, Lahore High Court, Lahore and 68 others (1991 MLD 2546).

² *The Culture of Judicial Independence- Conceptual Foundations and Practical Challenges* - Shimon Shetreet and Christopher Forsyth, P.480 (footnote #10).

14. Protection of financial independence of the judiciary is carved out by Articles 121 and 122 of the Constitution. Article 121 provides that the administrative expenses of the High Court shall be a charged expenditure on the Provincial Consolidated Fund, which may be discussed but shall not be submitted to vote of the Provincial Assembly. The High Court in determining its administrative expenses, including remuneration payable to its officers and servants, enjoys constitutional autonomy, which cannot be interfered with by the executive or the legislative branches of the State. The administrative expenses of the High Court form part of the Charged Expenditure, which for the purposes of the Province finds its explanation under Articles 121 and 122 of the Constitution. Provincial Charged Expenditure is an expenditure met from the Provincial Consolidated Fund, which may be discussed but not submitted to the vote of the Provincial Assembly.³

15. Our jurisprudential journey from Sharaf Faridi⁴ down to Sh. Riaz ul Haq⁵ including Government of Balochistan through Additional Chief Secretary v. Azizullah Memon and 16 others (PLD 1993 SC 341), Al-Jehad Trust through Raeesul Mujahideen Habib-ul-Wahabb-ul-Khairi and others v. Federation of Pakistan and others (PLD 1996 SC 324), Amanullah Khan Yousufzai and others v. Federation of Pakistan through Law Secretary and others (PLD 2011 Kar

³ Articles 121 and 122 of the Constitution. Also see *Accounting Policies and Procedures Manual*, Auditor General of Pakistan P.2.20.

⁴ Sharaf Faridi and 3 others v. The Federation of Islamic Republic of Pakistan through Prime Minister of Pakistan and another (PLD 1989 Karachi 404) and also Government of Sindh through Chief Secretary to Government of Sindh, Karachi and others v. Sharaf Faridi and others (PLD 1994 SC 105).

⁵ Sh. Riaz-ul-Haq and another v. Federation of Pakistan through Ministry of Law and others (PLD 2013 SC 501).

451) and Accountant-General, Sindh and others v. Ahmed Ali U. Qureshi and others (PLD 2008 SC 522), repeatedly underscores the integrality of judicial independence to rule of law and democracy. In Government of Balochistan through Additional Chief Secretary v. Azizullah Memon and 16 others (PLD 1993 SC 341), Saleem Akhtar, J. speaking for the Court held:-

“This observation in effect finds support from Articles 81, 82, 121 and 122. The first two Articles relate to remuneration payable to the Judges of the Supreme Court and the administrative expenses including the remuneration payable to officers or servants of the Supreme Court. The expenditures are charged on the Federal Consolidated Fund which under Article 82 “may be discussed in, but shall not be submitted to the vote of, the National Assembly”. The same provisions have been made in respect of High Court Judges and administrative expenses of the High Court. The financial requirements of the Supreme Court and the High Courts should be assessed by the Courts and after meaningful consultation with such Courts annual funds as per requirement be allocated and placed at the disposal of the Courts. All remunerations, expenses and disbursements relating to the judiciary should be made without any interference by any department which are usually technical in nature requiring compliance with certain rules and practice of other departments of the Government. In case of any objection, if approval of the Chief Justice concerned is given, it should stand waived and set aside.”

(emphasis supplied)

In Government of Sindh through Chief Secretary to Government of Sindh, Karachi and others v. Sharaf Faridi and others (PLD 1994 SC 105), Nasim Hasan Shah, J. wrote: -

“In our opinion, financial independence of the judiciary can be secured if the funds allocated to the Supreme Court and High Courts (by the Parliament and the Provincial Assemblies in

their respective annual budgets) are allowed to be disbursed within the limits of the sanctioned budget by the respective Chief Justices of these Courts without any interference by the Executive (in practical terms without reference and seeking the approval of the Ministry of Finance/the Provincial Finance Department). Thus, the Chief Justice would be competent to make re-appropriation of the amounts from one head to another, create new posts, abolish old posts or change their nomenclature and to upgrade or downgrade etc. as per requirements of their respective Courts and this should be possible, as has been observed earlier, without being obliged to seek the approval of the Ministry of Finance or the Provincial Finance Departments as the case may be, provided of course the expenditure that is incurred by them falls within the limits of the budget allocation for their Courts. To ensure financial discipline, an Accounts Officer of the Accountant-General may sit in all Courts for pre-audit and issue of cheques. In this way, the control of the executive over the judiciary in this important sphere will be eliminated and the judiciary enabled to function independently.”

In *Abdul Rasheed and others v. Province of Sindh and others* (2011 PLC (C.S.) 926), Shahid Anwar Bajwa, J. speaking for the court held:-

“16. Therefore, in our view once approval has been granted by the Administrative Committee of the High Court the Provincial Executive could at best approach the High Court and point out the financial constraint and thereafter leave the matter for the High Court to decide. However, once High Court had decided Finance Department has no option, if amount provided in the budgetary provision is not adequate to meet such requirement to convey such budgetary position to the High Court and to ensure that in the next budget proposals are made to the Provincial Assembly and appropriate provision is made in this regard. If Provincial Assembly does not approve such budget any provision it would of course be

another matter. We have not reached that bridge and therefore we leave this aspect of question for consideration in an appropriate case.” (*emphasis supplied*)

The constitutional significance of financial autonomy, especially in the context of administrative expenses of the superior judiciary, has not been fully actualized. Therefore, the concept of financial autonomy of the judiciary needs further unpacking.

16. “For courts to resolve disputes without bias there needs to be judicial independence: the judiciary must be both independent and impartial. Both conditions are necessary in order to avoid the opposing risks of infirmity and tyranny. The risk of infirmity exists when the judiciary is dependent on other branches of government or on public opinion. The risk of tyranny is associated with a biased judiciary and a lack of judicial accountability.”⁶ Professor Barak has argued that “substantive aspect of democracy” is characterized by values such as ‘separation of powers, the rule of law, judicial independence, human rights,...’ Separation of powers and judicial independence, being two sides of the same coin, are foundational to the constitutional construct of democracy. “Judicial Independence is a central component of any democracy⁷” and is composed of two foundations and only the combination of the two guarantee the independence of the judiciary. “These two foundations are the independence of the individual judge and the independence of the judicial branch....

⁶ The Mt.Scopus International Standards of judicial independence: The innovative concepts and the formulation of a consensus in a legal culture of diversity by Shimon Shetreet. *The Culture of Judicial Independence-Conceptual Foundations and Practical Challenges*, P.475.

⁷ *Judicial Independence: The Contemporary Debate* (Shimon Shetreet and Jules Deschenes eds.1985. (See P.76 Aharon Barak – *The Judge in a Democracy*))

Institutional independence is designed to build a protective wall around the judicial branch that prevents the legislative and executive branches from influencing the way judges realize their roles as protectors of the constitution and its values. The judicial branch must therefore be run, on the organizational level, in an independent manner. It should not be part of the executive branch and should not be subject to the administrative decisions of the executive branch.⁸

17. While judicial independence means that a judge must decide individual cases free from any extraneous influence, it also requires that the judicial branch exercises control and influence over the administrative penumbra immediately surrounding the judicial process. Pivotal to the independence of the judicial branch is its financial autonomy, not in the sense of constitutionally protected salary structure but also the financial autonomy to budget for the administrative costs for effectively running and managing the judicial branch. The high watermark of this principle is elaborated by Sir Francis Purchas in his Article ‘*What is happening to Judicial Independence*’⁹: “Constitutional independence will not be achieved if the funding of the administration of justice remains subject to the influences of the political market place. Subject to the ultimate supervision of Parliament, the Judiciary should be allowed to advise what is and what is not necessary expense to ensure that adequate justice is available to the citizen and to protect him from unwarranted intrusion into his liberty by the executive.”¹⁰

18. “Culture of judicial independence must ensure institutional and administrative functioning of the judiciary as

⁸ Aharon Barak – *The Judge in a Democracy*) Pp.77 and 80

⁹ New Law Journal 30.09.1994 at 1306 and 1308.

¹⁰ Also see: *The Business of Judging* – Tom Bingham, P.57

an institution, as well as, the substantive and administrative functioning of the individual judge. Independence of judiciary, in effect means self-judicial governance, which in turn means control of the judiciary over the judicial system. This control includes budgeting, financial managing, managing human resources and managing of a large system. It also includes the professional management, such as managing case assignment, engaging in rulemaking of the procedures of the courts and enforcing these procedural rules. Likewise, judicial self-governance includes the development and the enforcement of judicial ethics and a code of conduct. In order for the Judiciary to engage in self-governance, it should have a wide diversity of abilities. Administrative abilities are required for managing the system of justice. Self-governance also requires the judiciary to act in coordination with the other branches of government. In addition to these abilities, self-judicial governance requires a Judiciary which has financial qualifications. Another area of responsibility in the administration of courts is the security and safety.”¹¹

19. Our Constitution promotes and encourages the culture of judicial independence. Articles 121, 122, 175 and 208 of the Constitution provide the construct for *self-judicial governance* which rests on foundational pillars like; separation of powers, administrative independence and financial autonomy. Article 208 of the Constitution provides that the “High Court, with the approval of the Governor concerned, may make rules providing for the appointment by the Court of the officers and servants of the Court and for their terms and conditions of employment.” The Rules that regulate the appointments and conditions of

¹¹ The Culture of Judicial Independence – conceptual foundations and practical approaches – Shimon Shetreet & Christopher Forsyth, Pp.20-21

service of the establishment¹² have been provided under Chapter-10, Part “C” of the High Court Rules and Orders (Volume-V). Rule 17 of these Rules provides that members of the High Court Establishment i.e., its officers and servants, shall be entitled to pay (including special pay) and allowances as fixed by the Chief Justice, from time to time, provided the Rules are approved by the Governor as mandated by the Constitution under Article 208. The only constitutional requirement is that the Governor must approve the said rules, which is a one-off act. In line with this constitutional dictate, Rule 17 of the High Court Rules and Orders also requires that the Rules must be approved by the Governor in the following manner:-

Conditions of Service

Rule 17. Members of the High Court Establishment shall be entitled to pay (including special pay) and allowances as fixed by the Chief Justice, from time to time with the approval of the Governor to these rules.

The said Rule does not mean that the decision of the Hon’ble Chief Justice fixing the pay and allowances of the members of the High Court Establishment will be subjected to the approval of the Governor. The approval of the Governor is to the promulgation of the Rules (which is a one-off act) and not to the decisions of the Chief Justice issued from time to time under the said Rules. Any interpretation subjecting the decision of the Chief Justice to the approval of the Governor would be constitutionally impermissible and would shake the foundational assumption of judicial independence, on which rests the democratic architecture of our Constitution. Reliance

¹² Framed under Paragraph 6 of Part-II of the Third Schedule to the Constitution of the Islamic Republic of Pakistan, 1956 read with Article 177.

is also placed on Muhammad Yaqub Butt, Additional Registrar, Lahore High Court v. Government of the Punjab through Chief Secretary and another (PLD 1992 Lahore 527).

20. It is also pointed out for completeness and clarification that Rule 22 of the same Chapter of the High Court Rules and Orders is simply for the efficient administrative governance of the High Court. This Rule adopts the principles provided under the Civil Service Rules (Punjab) regarding salaries, allowances, leave and pension and in no manner converts or changes the status of the officers and servants of the High Court into that of civil servants or in any manner subordinates the authority of the High Court in these matters to that of the Executive Branch.

21. In the present case, without prejudice to the grant of Allowances by the Prime Minister, the Lahore High Court, independently, approved and sanctioned the increase of 50% Judicial Allowance and 50% Adhoc Allowance to the officers and servants of the High Court. The said Allowances have been duly approved and sanctioned by the Lahore High Court through its Administration Committee. Article 121(b), *inter alia*, provides that the administrative expenses of the High Court including the remuneration payable to its officers and servants shall be expenditure charged upon the Provincial Consolidated Fund. Article 122(1) provides that so much of the Annual Budget Statement as relates to the expenditure charged upon the Provincial Consolidated Fund may be discussed in, but shall not be submitted to the vote, of the Provincial Assembly. While the other expenditure of the judiciary in the form of demand for grants shall be made on the recommendations of the Provincial Government and subject to assent by the Provincial Assembly.

22. Other constitutional bodies whose remuneration is also an *expenditure charged* upon the Provincial Consolidated Fund are the Governor (including other expenditure relating to his office), Judges of the High Court, Speaker and Deputy Speaker of the Provincial Assembly, and the administrative expenses of the Secretariat of the Provincial Assembly.

23. Article 121(b) extends budgetary and financial control to the High Court so that the institution can draw up its own administrative expenses (including remuneration of its officers and servants). This expenditure falls under the head *expenditure charged* upon the Provincial Consolidated Fund, which can be discussed but is not submitted to vote by the Provincial Assembly. Therefore, administrative expenses of the High Court do not require the assent of the Provincial Assembly. The expenditure proposed by the High Court cannot, therefore, be turned down, reduced or altered by the executive or the legislature. There is no provision under the Constitution that authorizes the Provincial Executive to delay, reconsider, negotiate, alter or reduce the administrative expenses of the High Court which pass as *charged expenditure*. Therefore, once the High Court budgets its administrative expenses including the remuneration (inclusive of any increase for a particular year), the same is to be simply provided in the Annual Budget Statement by the Provincial Government and placed before the Provincial Assembly for discussion and information.

24. Financial and budgetary management of the High Court in terms of its administrative expenses if left to the Executive or the Legislature, would generate a public perception of dependence of the judiciary on the other two branches of the State. This would weaken public confidence reposed in the

judicial system and cripple the embodiment of democracy under our Constitution.

25. Higher the responsibility, higher is the need for transparency and accountability. The constitution proceeds on an assumption that the judiciary while determining its administrative expenses will act with the institutional maturity and sagacity it possesses. Financial independence of the judiciary must rest on a professionally structured budgetary system within the judiciary. It requires meticulous fiscal and budgetary controls with a consultative and deliberative methodology for budget preparation. Consultation with the key stakeholders before finalizing the administrative expenses of the High Court is an unwritten constitutional assumption. Articles 121 and 122 require that the High Court while exercising its budgetary discretion will proceed with fiscal prudence and circumspection. Financial autonomy and budgetary independence in the hands of the High Court has to be nurtured with highest sense of responsibility, level-headedness, judiciousness, transparency and financial foresight. The budgetary process of the High Court must be a collaborative exercise, where comments, suggestions and inputs are solicited from the provincial government, financial experts and other relevant institutions, in order to examine, appreciate and gauge the fiscal and economic conditions and realities of the Province before finalizing the *charged expenditure*. This is in line with the democratic spirit of co-operation, coordination, responsibility and accountability. Working relationship between different organs of the State is a path that enriches and strengthens democracy. Mr. Tanvir Ali Agha, former Auditor General of Pakistan, acting as an amicus curiae supported the above view.

26. Without prejudice to the concept of judicial financial autonomy, even if the Allowances are gauged on the touchstone of financial prudence and equity, the reasonability and rationality of the Allowances is evident from the fact that they have been allowed and granted across the country to all the officers and staff of the superior judiciary. A comparative chart shows that the remuneration of the officers and servants of the Lahore High Court is less than the officers and staff in other Courts:-

COMPARATIVE STATEMENT OF SALARIES DRAWN BY EMPLOYEES OF LAHORE HIGH COURT AND THEIR COUNTERPARTS IN OTHER HIGH COURTS AS WELL AS SUPREME COURT & FEDERAL SHARIAT COURT IN PAKISTAN FOR THE FINANCIAL YEAR, 2013-14

Court / Employees of	Pay Scale	Basic Pay (at initial stage)	House Rent	Conveyance Allow	Judicial Allow	Utility Allow	Spl. Judl. Allow	Sr. Post Allow	Medical Allow	50 % Adhoc Allow 2010 (w.e.f. 01.07.10)	Adhoc Relief 2011 (at initial level)	Adhoc Relief 2012 (at initial level)	Adhoc Relief 2013 (at initial level)	Grand Total (Gross Pay & Allowances)
Sindh High Court	1	4800	1,337	1700	6000	3000	8910	0	1000	1485	446	960	720	30358
Balochistan High Court		4800	1,337	1700	6000	3000	8910	0	1000	1485	446	960	720	30358
Peshawar High Court		4800	1,337	1700	6000	3000	8250	0	1000	1485	446	960	720	29698
Islamabad High Court		4800	1,337	1700	6000	3000	8910	0	1000	1485	446	960	480	30118
Federal Shariat Court		4800	1,337	1700	6000	3000	8910	0	1000	1485	446	960	480	30118
Supreme Court of Pakistan		4800	1,337	1700	6000	3000	8910	0	1000	1485	446	960	480	30118
Lahore High Court		4800	1,337	1700	4000	3000	8910	0	1000	0	446	960	480	26633
Sindh High Court	2	4900	1,366	1700	6000	3000	9105	0	1000	1518	455	980	735	30759
Balochistan High Court		4900	1,366	1700	6000	3000	9105	0	1000	1518	455	980	735	30759
Peshawar High Court		4900	1,366	1700	6000	3000	8540	0	1000	1518	455	980	735	30194
Islamabad High Court		4900	1,366	1700	6000	3000	9105	0	1000	1518	455	980	490	30514
Federal Shariat Court		4900	1,366	1700	6000	3000	9105	0	1000	1518	455	980	490	30514
Supreme Court of Pakistan		4900	1,366	1700	6000	3000	9105	0	1000	1518	455	980	490	30514
Lahore High Court		4900	1,366	1700	4000	3000	9105	0	1000	0	455	980	490	26996
Sindh High Court	3	5050	1,413	1700	6000	3000	9420	0	1000	1570	471	1010	757.5	31392
Balochistan High Court		5050	1,413	1700	6000	3000	9420	0	1000	1570	471	1010	757.5	31392
Peshawar High Court		5050	1,413	1700	6000	3000	8975	0	1000	1570	471	1010	757.5	30947

Court / Employees of	Pay Scale	Basic Pay (at initial stage)	House Rent	Conveyance Allow	Judicial Allow	Utility Allow	Spl. Jndl. Allow	Sr. Post Allow	Medical Allow	50 % Adhoc Allow 2010 (w.e.f. 01.07.10)	Adhoc Relief 2011 (at initial level)	Adhoc Relief 2012 (at initial level)	Adhoc Relief 2013 (at initial level)	Grand Total (Gross Pay & Allowances)
Islamabad High Court		5050	1,413	1700	6000	3000	9420	0	1000	1570	471	1010	505	31139
Federal Shariat Court		5050	1,413	1700	6000	3000	9420	0	1000	1570	471	1010	505	31139
Supreme Court of Pakistan		5050	1,413	1700	6000	3000	9420	0	1000	1570	471	1010	505	31139
Lahore High Court		5050	1,413	1700	4000	3000	9420	0	1000	0	471	1010	505	27569
Sindh High Court	4	5200	1,458	1700	6000	3000	9720	0	1000	1620	486	1040	780	32004
Balochistan High Court		5200	1,458	1700	6000	3000	9720	0	1000	1620	486	1040	780	32004
Peshawar High Court		5200	1,458	1700	6000	3000	9410	0	1000	1620	486	1040	780	31694
Islamabad High Court		5200	1,458	1700	6000	3000	9720	0	1000	1620	486	1040	520	31744
Federal Shariat Court		5200	1,458	1700	6000	3000	9720	0	1000	1620	486	1040	520	31744
Supreme Court of Pakistan		5200	1,458	1700	6000	3000	9720	0	1000	1620	486	1040	520	31744
Lahore High Court		5200	1,458	1700	4000	3000	9720	0	1000	0	486	1040	520	28124
Sindh High Court		5	5400	1,503	1840	6000	3000	10020	0	1000	1670	501	1080	810
Balochistan High Court	5400		1,503	1840	6000	3000	10020	0	1000	1670	501	1080	810	32824
Peshawar High Court	5400		1,503	1840	6000	3000	9920	0	1000	1670	501	1080	810	32724
Islamabad High Court	5400		1,503	1840	6000	3000	10020	0	1000	1670	501	1080	540	32554
Federal Shariat Court	5400		1,503	1840	6000	3000	10020	0	1000	1670	501	1080	540	32554
Supreme Court of Pakistan	5400		1,503	1840	6000	3000	10020	0	1000	1670	501	1080	540	32554
Lahore High Court	5400		1,503	1840	4000	3000	10020	0	1000	0	501	1080	540	28884
Sindh High Court	6	5600	1,544	1840	6000	3000	10290	0	1000	1715	515	1120	840	33464
Balochistan High Court		5600	1,544	1840	6000	3000	10290	0	1000	1715	515	1120	840	33464
Peshawar High Court		5600	1,544	1840	6000	3000	10430	0	1000	1715	515	1120	840	33604
Islamabad High Court		5600	1,544	1840	6000	3000	10290	0	1000	1715	515	1120	560	33184
Federal Shariat Court		5600	1,544	1840	6000	3000	10290	0	1000	1715	515	1120	560	33184
Supreme Court of Pakistan		5600	1,544	1840	6000	3000	10290	0	1000	1715	515	1120	560	33184
Lahore High Court		5600	1,544	1840	4000	3000	10290	0	1000	0	515	1120	560	29469
Sindh High Court	7	5800	1,589	1840	9000	4000	10590	0	1000	1765	530	1160	870	38144
Balochistan High Court		5800	1,589	1840	9000	4000	10590	0	1000	1765	530	1160	870	38144
Peshawar High Court		5800	1,589	1840	9000	4000	10940	0	1000	1765	530	1160	870	38494

Court / Employees of	Pay Scale	Basic Pay (at initial stage)	House Rent	Conveyance Allow	Judicial Allow	Utility Allow	Spl. Jndl. Allow	Sr. Post Allow	Medical Allow	50 % Adhoc Allow 2010 (w.e.f. 01.07.10)	Adhoc Relief 2011 (at initial level)	Adhoc Relief 2012 (at initial level)	Adhoc Relief 2013 (at initial level)	Grand Total (Gross Pay & Allowances)
Islamabad High Court		5800	1,589	1840	9000	4000	10590	0	1000	1765	530	1160	580	37854
Federal Shariat Court		5800	1,589	1840	9000	4000	10590	0	1000	1765	530	1160	580	37854
Supreme Court of Pakistan		5800	1,589	1840	9000	4000	10590	0	1000	1765	530	1160	580	37854
Lahore High Court		5800	1,589	1840	6000	4000	10590	0	1000	0	530	1160	580	33089
Sindh High Court	8	6000	1,649	1840	9000	4000	10995	0	1000	1833	550	1200	900	38967
Balochistan High Court		6000	1,649	1840	9000	4000	10995	0	1000	1833	550	1200	900	38967
Peshawar High Court		6000	1,649	1840	9000	4000	11450	0	1000	1833	550	1200	900	39422
Islamabad High Court		6000	1,649	1840	9000	4000	10995	0	1000	1833	550	1200	600	38667
Federal Shariat Court		6000	1,649	1840	9000	4000	10995	0	1000	1833	550	1200	600	38667
Supreme Court of Pakistan		6000	1,649	1840	9000	4000	10995	0	1000	1833	550	1200	600	38667
Lahore High Court		6000	1,649	1840	6000	4000	10995	0	1000	0	550	1200	600	33834
Sindh High Court		9	6200	1,719	1840	9000	4000	11460	0	1000	1910	573	1240	930
Balochistan High Court	6200		1,719	1840	9000	4000	11460	0	1000	1910	573	1240	930	39872
Peshawar High Court	6200		1,719	1840	9000	4000	11960	0	1000	1910	573	1240	930	40372
Islamabad High Court	6200		1,719	1840	9000	4000	11460	0	1000	1910	573	1240	620	39562
Federal Shariat Court	6200		1,719	1840	9000	4000	11460	0	1000	1910	573	1240	620	39562
Supreme Court of Pakistan	6200		1,719	1840	9000	4000	11460	0	1000	1910	573	1240	620	39562
Lahore High Court	6200		1,719	1840	6000	4000	11460	0	1000	0	573	1240	620	34652
Sindh High Court	10	6400	1,780	1840	9000	4000	11865	0	1000	1978	593	1280	960	40696
Balochistan High Court		6400	1,780	1840	9000	4000	11865	0	1000	1978	593	1280	960	40696
Peshawar High Court		6400	1,780	1840	9000	4000	12540	0	1000	1978	593	1280	960	41371
Islamabad High Court		6400	1,780	1840	9000	4000	11865	0	1000	1978	593	1280	640	40376
Federal Shariat Court		6400	1,780	1840	9000	4000	11865	0	1000	1978	593	1280	640	40376
Supreme Court of Pakistan		6400	1,780	1840	9000	4000	11865	0	1000	1978	593	1280	640	40376
Lahore High Court		6400	1,780	1840	6000	4000	11865	0	1000	0	593	1280	640	35398
Sindh High Court	11	6600	1,854	2720	9000	4000	12345	0	1000	2058	617	1320	990	42504
Balochistan High Court		6600	1,854	2720	9000	4000	12345	0	1000	2058	617	1320	990	42504
Peshawar High Court		6600	1,854	2720	9000	4000	13120	0	1000	2058	617	1320	990	43279

Court / Employees of	Pay Scale	Basic Pay (at initial stage)	House Rent	Conveyance Allow	Judicial Allow	Utility Allow	Spl. Jdnl. Allow	Sr. Post Allow	Medical Allow	50 % Adhoc Allow 2010 (w.e.f. 01.07.10)	Adhoc Relief 2011 (at initial level)	Adhoc Relief 2012 (at initial level)	Adhoc Relief 2013 (at initial level)	Grand Total (Gross Pay & Allowances)
Islamabad High Court		6600	1,854	2720	9000	4000	12345	0	1000	2058	617	1320	660	42174
Federal Shariat Court		6600	1,854	2720	9000	4000	12345	0	1000	2058	617	1320	660	42174
Supreme Court of Pakistan		6600	1,854	2720	9000	4000	12345	0	1000	2058	617	1320	660	42174
Lahore High Court		6600	1,854	2720	6000	4000	12345	0	1000	0	617	1320	660	37116
Sindh High Court	12	7000	1,960	2720	9000	4000	13065	0	1000	2178	653	1400	1050	44026
Balochistan High Court		7000	1,960	2720	9000	4000	13065	0	1000	2178	653	1400	1050	44026
Peshawar High Court		7000	1,960	2720	9000	4000	14000	0	1000	2178	653	1400	1050	44961
Islamabad High Court		7000	1,960	2720	9000	4000	13065	0	1000	2178	653	1400	700	43676
Federal Shariat Court		7000	1,960	2720	9000	4000	13065	0	1000	2178	653	1400	700	43676
Supreme Court of Pakistan		7000	1,960	2720	9000	4000	13065	0	1000	2178	653	1400	700	43676
Lahore High Court		7000	1,960	2720	6000	4000	13065	0	1000	0	653	1400	700	38498
Sindh High Court		13	7500	2,090	2720	9000	4000	13935	0	1000	2323	697	1500	1125
Balochistan High Court	7500		2,090	2720	9000	4000	13935	0	1000	2323	697	1500	1125	45890
Peshawar High Court	7500		2,090	2720	9000	4000	15100	0	1000	2323	697	1500	1125	47055
Islamabad High Court	7500		2,090	2720	9000	4000	13935	0	1000	2323	697	1500	750	45515
Federal Shariat Court	7500		2,090	2720	9000	4000	13935	0	1000	2323	697	1500	750	45515
Supreme Court of Pakistan	7500		2,090	2720	9000	4000	13935	0	1000	2323	697	1500	750	45515
Lahore High Court	7500		2,090	2720	6000	4000	13935	0	1000	0	697	1500	750	40192
Sindh High Court	14	8000	2,214	2720	9000	4000	14760	0	1000	2460	738	1600	1200	47692
Balochistan High Court		8000	2,214	2720	9000	4000	14760	0	1000	2460	738	1600	1200	47692
Peshawar High Court		8000	2,214	2720	9000	4000	16270	0	1000	2460	738	1600	1200	49202
Islamabad High Court		8000	2,214	2720	9000	4000	14760	0	1000	2460	738	1600	800	47292
Federal Shariat Court		8000	2,214	2720	9000	4000	14760	0	1000	2460	738	1600	800	47292
Supreme Court of Pakistan		8000	2,214	2720	9000	4000	14760	0	1000	2460	738	1600	800	47292
Lahore High Court		8000	2,214	2720	6000	4000	14760	0	1000	0	738	1600	800	41832
Sindh High Court	15	8500	2,349	2720	9000	4000	15660	0	1000	2610	783	1700	1275	49597
Balochistan High Court		8500	2,349	2720	9000	4000	15660	0	1000	2610	783	1700	1275	49597
Peshawar High Court		8500	2,349	2720	9000	4000	17650	0	1000	2610	783	1700	1275	51587

Court / Employees of	Pay Scale	Basic Pay (at initial stage)	House Rent	Conveyance Allow	Judicial Allow	Utility Allow	Spl. Jndl. Allow	Sr. Post Allow	Medical Allow	50 % Adhoc Allow 2010 (w.e.f. 01.07.10)	Adhoc Relief 2011 (at initial level)	Adhoc Relief 2012 (at initial level)	Adhoc Relief 2013 (at initial level)	Grand Total (Gross Pay & Allowances)
Islamabad High Court		8500	2,349	2720	9000	4000	15660	0	1000	2610	783	1700	850	49172
Federal Shariat Court		8500	2,349	2720	9000	4000	15660	0	1000	2610	783	1700	850	49172
Supreme Court of Pakistan		8500	2,349	2720	9000	4000	15660	0	1000	2610	783	1700	850	49172
Lahore High Court		8500	2,349	2720	6000	4000	15660	0	1000	0	783	1700	850	43562
Sindh High Court	16	10000	2,727	5000	9000	4000	18180	0	1000	3030	909	2000	1000	56846
Balochistan High Court		10000	2,727	5000	9000	4000	18180	0	1000	3030	909	2000	1000	56846
Peshawar High Court		10000	2,727	5000	9000	4000	20600	0	1000	3030	909	2000	1500	59766
Islamabad High Court		10000	2,727	5000	9000	4000	18180	0	1000	3030	909	2000	1000	56846
Federal Shariat Court		10000	2,727	5000	9000	4000	18180	0	1000	3030	909	2000	1000	56846
Supreme Court of Pakistan		10000	2,727	5000	9000	4000	18180	0	1000	3030	909	2000	1000	56846
Lahore High Court		10000	2,727	5000	6000	4000	18180	0	1000	0	909	2000	1000	50816
Sindh High Court		17	16000	4,433	5000	15000	5000	29550	0	1478	4925	1478	3200	1600
Balochistan High Court	16000		4,433	5000	15000	5000	29550	0	1478	4925	1478	3200	1600	87664
Peshawar High Court	16000		4,433	5000	15000	5000	32400	0	1478	4925	1478	3200	2400	91314
Islamabad High Court	16000		4,433	5000	15000	5000	29550	0	1478	4925	1478	3200	1600	87664
Federal Shariat Court	16000		4,433	5000	15000	5000	29550	0	1478	4925	1478	3200	1600	87664
Supreme Court of Pakistan	16000		4,433	5000	15000	5000	29550	0	1478	4925	1478	3200	1600	87664
Lahore High Court	16000		4,433	5000	10000	5000	29550	0	1478	0	1478	3200	1600	77739
Sindh High Court	18	20000	5,810	5000	18000	5000	38730	0	1937	6455	1937	4000	2000	108869
Balochistan High Court		20000	5,810	5000	18000	5000	38730	0	1937	6455	1937	4000	2000	108869
Peshawar High Court		20000	5,810	5000	18000	5000	40500	0	1937	6455	1937	4000	3000	111639
Islamabad High Court		20000	5,810	5000	18000	5000	38730	0	1937	6455	1937	4000	2000	108869
Federal Shariat Court		20000	5,810	5000	18000	5000	38730	0	1937	6455	1937	4000	2000	108869
Supreme Court of Pakistan		20000	5,810	5000	18000	5000	38730	0	1937	6455	1937	4000	2000	108869
Lahore High Court		20000	5,810	5000	12000	5000	38730	0	1937	0	1937	4000	2000	96414
Sindh High Court	19	31000	8,856	6000	21000	8000	59040	0	2952	9840	2952	6200	3100	158940
Balochistan High Court		31000	8,856	6000	21000	8000	59040	0	2952	9840	2952	6200	3100	158940
Peshawar High Court		31000	8,856	6000	21000	8000	57700	0	2952	9840	2952	6200	4650	159150

Court / Employees of	Pay Scale	Basic Pay (at initial stage)	House Rent	Conveyance Allow	Judicial Allow	Utility Allow	Spl. Jndl. Allow	Sr. Post Allow	Medical Allow	50 % Adhoc Allow 2010 (w.e.f. 01.07.10)	Adhoc Relief 2011 (at initial level)	Adhoc Relief 2012 (at initial level)	Adhoc Relief 2013 (at initial level)	Grand Total (Gross Pay & Allowances)
Islamabad High Court		31000	8,856	6000	21000	8000	59040	0	2952	9840	2952	6200	3100	158940
Federal Shariat Court		31000	8,856	6000	21000	8000	59040	0	2952	9840	2952	6200	3100	158940
Supreme Court of Pakistan		31000	8,856	6000	21000	8000	59040	0	2952	9840	2952	6200	3100	158940
Lahore High Court		31000	8,856	6000	14000	8000	59040	0	2952	0	2952	6200	3100	142100
Sindh High Court	20	36000	10,505	0	21000	8000	70035	1275	3502	11673	3502	7200	3600	176292
Balochistan High Court		36000	10,505	0	21000	8000	70035	1275	3502	11673	3502	7200	3600	176292
Peshawar High Court		36000	10,505	0	21000	8000	70450	1275	3502	11673	3502	7200	5400	178507
Islamabad High Court		36000	10,505	0	21000	8000	70035	1275	3502	11673	3502	7200	3600	176292
Federal Shariat Court		36000	10,505	0	21000	8000	70035	1275	3502	11673	3502	7200	3600	176292
Supreme Court of Pakistan		36000	10,505	0	21000	8000	70035	1275	3502	11673	3502	7200	3600	176292
Lahore High Court		36000	10,505	0	14000	8000	70035	1275	3502	0	3502	7200	3600	157619
Sindh High Court		21	40000	11,646	0	21000	8000	77640	1350	3882	12940	3882	8000	4000
Balochistan High Court	40000		11,646	0	21000	8000	77640	1350	3882	12940	3882	8000	4000	192340
Peshawar High Court	40000		11,646	0	21000	8000	78200	1350	3882	12940	3882	8000	6000	194900
Islamabad High Court	40000		11,646	0	21000	8000	77640	1350	3882	12940	3882	8000	4000	192340
Federal Shariat Court	40000		11,646	0	21000	8000	77640	1350	3882	12940	3882	8000	4000	192340
Supreme Court of Pakistan	40000		11,646	0	21000	8000	77640	1350	3882	12940	3882	8000	4000	192340
Lahore High Court	40000		11,646	0	14000	8000	77640	1350	3882	0	3882	8000	4000	172400
Sindh High Court	22		43000	12,456	0	21000	8000	83040	1750	4152	13840	4152	8600	4300
Balochistan High Court		43000	12,456	0	21000	8000	83040	1750	4152	13840	4152	8600	4300	204290
Peshawar High Court		43000	12,456	0	21000	8000	85850	1750	4152	13840	4152	8600	6450	209250
Islamabad High Court		43000	12,456	0	21000	8000	83040	1750	4152	13840	4152	8600	4300	204290
Federal Shariat Court		43000	12,456	0	21000	8000	83040	1750	4152	13840	4152	8600	4300	204290
Supreme Court of Pakistan		43000	12,456	0	21000	8000	83040	1750	4152	13840	4152	8600	4300	204290
Lahore High Court		43000	12,456	0	14000	8000	83040	1750	4152	0	4152	8600	4300	183450

27. It is interesting to point out that the august Supreme Court of Pakistan vide Notification dated 20.10.2014 and Peshawar High Court, Peshawar vide order dated 14.11.2014 have granted a further enhancement of 50% Utility Allowance to its officers and servants. The Advocate General Punjab was repeatedly asked to establish before the Court that the Allowances were in any manner financially irrational or fiscally not viable. He was asked to establish this by going through the current budget of the Provincial Government, but he failed to do so. His submission that the Allowances will be a huge financial burden on the provincial exchequer, without supporting evidence, carried no weight. On the other hand, examination of the current Annual Provincial Budget reveals that the financial impact of the Allowances w.e.f. 01.07.2010 is only 0.14 % of the Annual Provincial Budget, as explained hereunder, hence the portrayal of an alarming and unnerving financial impact on the Provincial exchequer by the Advocate General Punjab, is to say the least, hopelessly unfounded. Had the Allowances been paid on time by the Provincial Government, these arrears would not have accumulated.

Approximate Financial Implications involved for payment of arrears of Judicial Allowance and 50% Adhoc Allowance-2010 w.e.f. 01.07.2010 to 30.06.2015, to the Employees of Lahore High Court

Year-wise Breakup	Judicial Allowance	Adhoc Allowance-2010
2010-11	69888000	114960000
2011-12	75312000	116580000
2012-13	80326000	124795000
2013-14	82723000	127532000
2014-15		129649000
Total	308249000	613516000
Grand Total	921,765,000 (Rs 921 million)	

Ratio of Total Current Revenue Estimates of Expenditure of the Punjab Govt. and Lahore High Court for the current fiscal year 2014-15 (Net)

Particulars	Budget Statistics	Ratio	Percentage
Total Current (Revenue) Estimates of Expenditure of the Punjab Govt. (Rs. In million)	677166.083		
Total Current (Revenue) Estimates of Expenditure of High Court (Charged) (Rs. In million)	2419.653	0.0036	0.36
<i>Total Estimates involved on account of Arrears of Judicial & Adhoc Allowances (Charged) (Rs. In million)</i>	921.765	0.0014	<u>0.14</u>

28. 50% of the Judicial Allowance has been paid to the officers and servants of the High Court since 01.07.2014. It is contended by the Advocate General, Punjab that this Allowance has been paid after the approval of the Governor under Article 208. Earlier order dated 10.11.2014 passed in this case alluded to this point. The Court was of the view that Article 208 has no relevance in the grant of 50% Judicial Allowance w.e.f. 01.07.2014 in the context of the Governor. The Governor is not the approving authority regarding the terms and conditions of service of the officers and servants of the High Court. In fact the Governor is to simply grant approval to the promulgation of the Rules, which is once in the lifetime of the Rules, unless the Rules are amended. As discussed above, the financial control regarding administrative expenses including remuneration of the staff of the High Court vests with the High Court. Therefore, the grant of 50% judicial allowance w.e.f. 01.07.2014 can only be acknowledged as a partial payment of the Allowances approved by the High Court under Article 208 of the Constitution read with Rule 17 of Chapter 10, Part "C" of the High Court Rules and Orders (Vol-V).

29. For the above reasons, this petition is allowed and the Provincial Government is directed to release the arrears of 50%

Judicial Allowance, as well as, pay 50% Adhoc Allowance alongwith arrears w.e.f. 01.07.2010 to the officers and servants of the High Court, after completing all the constitutional requirements in this regard, at the earliest.

30. Office shall dispatch a copy of this Judgment to the Finance Department, Government of the Punjab for immediate compliance and to the Speaker of the Provincial Assembly for information.

31. Before parting with the judgment I gratefully acknowledge the material assistance rendered by the talented Research Officers at the LHCRC and the learned amici curiae.

(Syed Mansoor Ali Shah)
Judge

*M. Tahir**

APPROVED FOR REPORTING