

BEFORE THE HONORABLE LAHORE HIGH COURT, AT RAWALPINDI
BENCH, RAWALPINDI.

W.P No. 1770 / 2024

For Private Use

01 FEB 2025 Adnan Mughal son of Mirza shahid Qadeer R/o house No, 756, street No.3 ,

Ex-mp
Copy Supply Section
Lahore High Court
Rawalpindi Bench

Muhalla Dhok Farman Ali Rawalpindi

(PETITIONER)

1-Primary and Secondary VS health care dept.

2. GOVERNMENT OF PUNJAB THROUGH ITS SECRETARY HEALTH, OFFICE SITUATED AT LAHORE.

3. DISTRICT HEALTH OFFICER OFFICE SITUATED AT SECTOR 4B KHEYABAN-E-SIR SYED RAWALPINDI

4. SECRETARY MINISTRY OF LAW Govt of Punjab.

5. SECRETARY MINISTRY OF LAW Govt of Sindh.

6. SECRETARY MINISTRY OF LAW Federal Govt of Pakistan.

7. *Govt of Punjab through specialized health care and medical dept.*

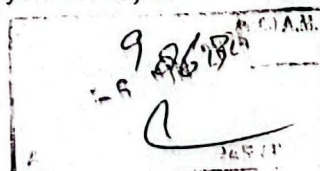
(RESPONDENTS)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 TO DIRECT THE RESPONDENTS TO PROVIDE FREE MEDICAL TREATMENT TO THE PRACTICING ADVOCATES/ MEMBER OF PUNJAB BAR AT PAR WITH THE FACILITIES PROVIDED BY THE FEDERAL GOVT & GOVT OF SINDH

Respectfully Sheweth:

BREIF FACTS OF THE INSTANT WRIT PETITION:

1. That the addresses of both parties are correctly mentioned as given information for purpose of notices, accordingly.
2. That the petitioner, Adnan Mughal, practicing advocate at the Rawalpindi Bar Association and the High Court Bar Association Rawalpindi, and a permanent member thereof, profoundly affected by the discriminatory practices prevailing in the provision of medical treatment to lawyers and their dependent families, as well as other members of the Punjab Bar. It is lamentable that while lawyers in other provinces receive medical treatment free of charge, akin to Grade 17-18 officers, such privileges are denied to lawyers in Punjab.



Form No.HC.JD/C-121
ORDER SHEET

IN THE LAHORE HIGH COURT,
RAWALPINDI BENCH, RAWALPINDI
JUDICIAL DEPARTMENT

W.P. No.1778 of 2024

Adnan Mughal

Versus

Primary and Secondary Healthcare
Department, Government of the
Punjab, etc.

Sr. No. of Order/ Proceeding	Date of Order/ Proceeding	Order with Signature of Judge, and that of parties or counsel, where necessary
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10.06.2024

Ch. Rizwan Elahi and Inam-ul-Rahiem, Advocates for the
Petitioner.
Mr. Abid Aziz Rajori, Assistant Advocate-General on
Court's call.

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Section Lahore High Court
Rawalpindi Bench

At the outset, with permission of the Court, learned
counsel for the Petitioner has added and incorporated (i)
Primary and Secondary Healthcare Department, Government
of the Punjab; (ii) and Government of the Punjab, Specialized
Healthcare and Medical Education Department; as
Respondent No.1 and 7, with red ink.

2. Through this writ Petition under Article 199 of the
Constitution of Islamic Republic of Pakistan, 1973 (the
"Constitution") the Petitioner has prayed as under:

*"It is, therefore, respectfully prayed that
this Hon'ble Court may very graciously be
pleased to direct the Respondents NO.1 and 2 to
provide medical treatment to the Advocates
enrolled in Punjab Bar Council/practicing in
Punjab Area. It is also prayed tht the Respondent
No.1 and 2 be further directed that the*

Advocates on the Panel of Advocates of Government departments be provided benefits of free medical treatment from their Department as per with their officers of BPS 17 and 18. Any other relief this Hon'ble Court deems just may also be provided."

3. At the outset, when confronted to the maintainability of this Petition, learned counsel for the Petitioner submitted that the Petitioner is an Advocate by profession and is only seeking directions to the Respondents/Health Secretaries to provide free medical treatments to the "Lawyers/Advocates". Added that the Secretary being head of the Department can take cognizance of the matter in terms of Rule 10 of the Punjab Government Rules of Business, 2011, which clearly states that the Secretary shall be the official head of the Department and be responsible for its efficient administration and discipline, for the conduct of business assigned to the Department and for the observance of laws and rules, as has recently been developed by this Court in the case of PIA Officers Cooperative Housing Society Limited versus Province of Punjab etc. (2023 LHC 5208) (LHC Citation). He also relied on the judgment of Supreme Court of Pakistan reported as "Suo Motu Case No.13 of 2009" (PLD 2011 SC 619)

4. Notice be issued to the Respondents with the direction to file their reports and parawise comments so as to reach this Court within four (04) weeks.

5. Re-list thereafter.

Sd
(JAWAD HASSAN)
JUDGE

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Section: [Signature]
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**IN THE LAHORE HIGH COURT,
RAWALPINDI BENCH, RAWALPINDI
JUDICIAL DEPARTMENT**

W.P. No.1778 of 2024

Adnan Mughal

Versus

Primary and Secondary Healthcare
Department, Government of the
Punjab, etc.

JUDGMENT

Date of Hearing:	14.01.2025
Petitioner by:	M/s. Muhammad Ilyas Shaikh, ASC, Tanveer Iqbal Khan, ASC, Ch. Rizwan Elahi, Mehmood Azam Balouch, Ch. M. Waqas, Ali Tanveer, Ch. Ehtram Habib, Malik Muhammad Asif Nawaz, Shaikh Saddam Tariq, Najma Malik, Muhammad Danyal Sheikh, Ahmad Ejaz Yousaf, Rana Waleed Ali, Malik Shoukat Mehmood, Fazal-ur-Rehman, Liaqat Ali Khan and Najam Hanif Sheikh, Fazli Qadir Khan and Hassan Muneeb Zia, Advocates.
Respondents by:	Mr. Abid Aziz Rajori, Assistant Advocate-General with Jauhar Aqeel, Law Officer, CEO, DHA, Rawalpindi. Mr. Arshad Mahmood Malik, Assistant Attorney General.

JAWAD HASSAN, J. Through this writ Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 (the "Constitution") the Petitioner has prayed as under:

"It is, therefore, respectfully prayed that this Hon'ble Court may very graciously be pleased to direct the Respondents No.1 and 2 to provide medical treatment to the Advocates enrolled in Punjab Bar Council/practicing in Punjab Area. It is

also prayed that the Respondent No.1 and 2 be further directed that the Advocates on the Panel of Advocates of Government departments be provided benefits of free medical treatment from their Department as per with their officers of BPS 17 and 18. Any other relief this Hon'ble Court deems just may also be provided."

2. Context of the case is that the Petitioner/Adnan Mughal, who is an Advocate by profession, on 03.06.2024, while seeking medical assistance at the District Headquarters Hospital, Rawalpindi, faced mistreatment and disrespect from the hospital staff. He was neither properly attended to by the doctors nor provided adequate treatment, despite identifying himself as a practicing Advocate. Learned counsel contends that such treatment violates his fundamental rights enshrined under Articles 9, 14, and 25 of the Constitution. Consequently, he seeks directions from this Hon'ble Court to ensure the provision of free and adequate medical treatment to Advocates enrolled in the Punjab Bar Council or practicing within Punjab, as well as parity in medical benefits for Panel Advocates of Government departments with officers in BPS 17 and 18. Hence, this Petition.

3. When confronted to the maintainability of this Petition, Ch. Rizwan Elahi, Advocate has submitted that the Petitioner is an Advocate by profession and practicing at the Rawalpindi Bar Association and High Court Bar Association, Rawalpindi. Added that the Petitioner is only seeking directions to the Respondents/Health Secretaries to provide free medical treatment to the "Lawyers/Advocates" as they are rendering professional services to the public and contributing to the administration of justice. He further argued that the Advocates enrolled with the Punjab Bar Council or practicing in the Punjab should be treated for medical facilities at par with gazetted officers, as they often assist Government departments and perform duties akin to public servants. The learned counsel emphasized that this request is not only reasonable but also in alignment with the principles of equity and justice.

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Exemption (Punjab)
Admission (High Court)
(Receipt of Court)

4. Conversely, learned Law Officer has objected to the maintainability of this Petition and stated on the basis of report and parawise comments, that the Respondent No.1/Secretary, Primary and Secondary Healthcare Department, Government of the Punjab, has already notified the free medical treatment to the Practicing Lawyers and their dependents on the provision of Punjab Bar Council membership card under the administrative control of P&SHD Hospitals (RHC, THQ and DHQ) (Non-teachings), vide Notification No.SO(H&D)7-1/2018-(MISC), dated 21.05.2018. Further stated that the Respondent No.2/District Health Officer (Preventive Services), District Health Authority, Rawalpindi relied on the report and parawise comments as submitted by the Respondent No.1.

5. Heard. Record perused.

6. The primary concern of this Court is to address the welfare of Advocates/Lawyers, particularly their access to medical facilities, which is essential to their professional and personal well-being. As officers of the Court and contributors to the administration of justice, Lawyers hold a pivotal role in upholding the rule of law and serving the public interest. Therefore, the Court acknowledges the need to safeguard their rights to health and well-being within the framework of the Constitution, relevant statutes, and notifications.

7. The report and parawise comments of the Respondent No.6/Secretary, Ministry of Law and Parliamentary Affairs, Government of the Punjab, Lahore, is of significant importance. In the report, the Respondent No.6 has categorically stated that to protect Advocates from incidents of assault, criminal force, intimidation, threats, and to promote their welfare, Parliament has promulgated the **Lawyers Welfare and Protection Act, 2023** (the "Act"). A mechanism has been devised through this Act to ensure that Advocates can render their professional services without fear of external influence, thereby safeguarding the administration of justice and upholding the rule of law. Section 11 of the Act stipulates that the Government shall notify, with respect to all Government and Semi-Government hospitals, the right of every

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[Stamp: District Health Officer, District Health Authority, Rawalpindi]

Advocate, their spouse, and dependent children to medical treatment on par with gazetted Government officers, subject to the presentation of their official cards and verification by the respective Bar Councils.

8. It is worth mentioning that the enactment of the Act marks a significant milestone in Pakistan's legislative history, reflecting the legislature's commitment to the welfare and protection of Advocates. This Act recognizes the critical role that Advocates play in maintaining the rule of law, safeguarding justice, and contributing to the public interest. Advocates are integral part to the judicial system, ensuring that justice is administered impartially and that individuals' rights are protected. As such, the legislature has explicitly affirmed their professional significance and deemed it necessary to extend a comprehensive legal framework to ensure their well-being and protection. The Act includes provisions designed to safeguard the welfare of Advocates, with particular emphasis on health, financial stability, and general protection. Chapter III of the Act outlines key welfare provisions, including healthcare services equivalent to those provided to government officers, financial support systems and a "Shuhada Package" for Advocates who lose their lives in the line of duty. These provisions aim to provide necessary security and support, recognizing the contributions of Advocates and addressing the hardships they may face in their professional roles. Thus, the Act stands as a legislative acknowledgment of the invaluable contributions of Advocates to the legal and judicial systems. It seeks to create a professional environment that ensures their well-being while supporting their ongoing role in upholding justice and the rule of law in Pakistan. Through this legislative step, the legislature has laid the foundation for a more robust framework for the legal profession, ensuring that Advocates are not only respected for their work but are also adequately protected and supported in their critical role. Section 11 of the Act purely deals with the provision of medical and health facilities to the Lawyers, which reads as follows:

11. Provision of health facilities.

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Examination of the Bill
Section 11 of the Act
Provision of Health Facilities

The Government shall notify, in relation to all the Government and Semi-Government hospitals, the right to every advocate, his spouse, and dependent children for medical treatment at par with the gazetted Government officer, subject to presentation of their official cards and verification by the respective Bar Councils: Provided that for the purpose of this section, the parents, minor children, and spouse of the advocate shall also be entitled to the same facilities.

9. Perusal of record reveals that the Respondent No.1/Secretary, Primary and Secondary Healthcare Department, has already issued a Notification No.SO(H&D)7-1/2018-(MISC), dated 21.05.2018 to (1) All Chief Executive Officers, District Health Authorities, in the Punjab; (2) All Medical Superintendents, District Headquarters Hospital in the Punjab and (3) All Medical Superintendents, Tehsil Headquarters Hospital, in the Punjab, addressing the concerns raised by the Petitioner. The relevant paragraph of the same reads as follows:

- "2. I am, directed to request you to ensure provision of free medical facilities in all DHQs and THQs in the Punjab under the administrative control of Primary & Secondary Healthcare Department to the practicing Lawyers and their dependents upon the provision of Punjab Bar Council membership cards.
3. The compliance is directed in letter and spirit."

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It is also pertinent to highlight that Rule 10 of the Punjab Government Rules of Business, 2011 (the "Rules of Business") clearly states that the Secretary is the **official head** of the Department and is responsible for its efficient administration and discipline, for the conduct of business assigned to the Department and for the observance of laws and rules, as held by the Supreme Court of Pakistan in Messrs Mustafa Impex, Karachi and others versus Government of Pakistan through Secretary Finance, Islamabad and others (PLD 2016 SC 808) by holding that the Rules of Business flowed from the Constitution is mandatory and binding on the Government. This Court has also strengthened the role of Secretary in the recent judgment passed in the case cited as PIA Officers Cooperative Housing Society Limited versus Province of Punjab etc. (2024 CLC 947) and the judgment dated 10.12.2024,

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passed in W.P. No.3768 of 2024, titled as "Adnan Arif versus Province of Punjab, etc." (2024 LHC 5811) (LHC Citation), wherein it has been held that:

5. Here in this case, Rules 3 and 10 of the Punjab Government Rules of Business, 2011 (the "Rules") are relevant. Under Rule 3(3) of the Rules, business of the Government has been distributed amongst several Departments in the manner indicated in the Second Schedule and functions of the Secretary are described under Rule 10 of the 2011 Rules, which is reproduced hereunder for ease of the matter:-

"10. Functions of the Secretary.-

...

This Court, while interpreting the aforesaid provisions of the Rules first time has given verdict regarding responsibilities and functions of the heads of government departments in the case of PIA Officers Cooperative Housing Society Ltd. through President versus Province of Punjab through Secretary to the Government of Punjab, Cooperatives Department, Lahore and 4 others (2024 CLC 947) by holding that the Secretary, being official head of the department, is responsible for its efficient administration and discipline, for the conduct of business assigned to the department and for the observance of laws and rules. This concept has subsequently been further strengthened by this Court in another case cited as Muhammad Banaras versus Government of the Punjab etc. (PLJ 2024 Lahore 242).

10. In this case, the Respondent No.1/Secretary, Primary and Secondary Healthcare Department, Government of the Punjab, Lahore, being the Official Head of the Department has already issued the aforesaid Notification to all the Chief Executive Officers, District Health Authorities; the Medical Superintendents, District Headquarters Hospital; and the Medical

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Reviewed by: [Signature]

Superintendents, Tehsil Headquarters Hospital, in the Punjab.. Therefore, under the *Doctrine of Sovereignty*, these institutions are bound to adhere to the aforesaid notification/commitments/policy issued by their own Department. This doctrine underscores the principle that once a directive is issued by a higher authority, all subordinate bodies within the administrative structure are legally obligated to follow it. In this regard reliance is placed on the judgment of this Court reported as Mst. Fatima Faryad etc. v. Government of Punjab etc. (2020 CLC 836) has held that:

"under the Doctrine of Sovereignty they are bound to adhere to their commitment in the light of dictum laid down in the case of *Dewan Salman Fibber Ltd. and others v. Federation of Pakistan, through Secretary, M/o Finance and others* (2015 PTD 2304) whereby this Court while laying emphasis on the importance of the Government adhering to severing commitments made by it, whether in the form of the statutory orders or notification issued by it or in the shape of policies announced by it held that "the commitments made on behalf of the Government of the Islamic Republic of Pakistan should neither be lightly disregarded nor deliberately ignored. The orderly development of a civilized society requires that citizens should be entitled to place implicit faith and confidence on representations which are made by or on behalf of the duly constituted governmental authorities. The importance of this underlies the sustained thrust towards the industrialization of the country in which both the nationals of Pakistan as well as nationals of foreign countries should have complete confidence that official commitments will be duly honored and acted upon in letter and spirit."

11. When confronted with the aforesaid situation and the issuance of Notification No.SO(H&D)7-1/2018-(MISC), dated 21.05.2018, learned counsel for the Petitioner expressed satisfaction with the same. However, he

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stated that the Petitioner would be satisfied if directions were issued to the Respondents to implement the said notification in its true letter and spirit.


12. Since this case relates to provision of medical relief i.e. treatment and facilities to the Lawyers, which is a fundamental right as enshrined under Article 38(d) of the Constitution which states that *the State shall provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment*. This Article 38(d) is read with the Article 9 (right to life) which states that *no person shall be deprived of life or liberty save in accordance with law*; and Article 3 (right of elimination of exploitation), which states that *the State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work*. This Court in the judgment reported as "Muhammad Ahmad Pansota and others V/S Federation of Pakistan etc." (PLD 2020 Lahore 229) has already observed that the **Principle of Policy is read with Fundamental Rights**. Reliance in this regard is also placed on the judgment of the Hon'ble Supreme Court of Pakistan reported as SUO MOTU CASE NO.13 OF 2009 (PLD 2011 Supreme Court 619). Moreover, this Court in the judgment reported as HAROON FAROOQ Versus GOVERNMENT OF PUNJAB through Chief Secretary and 9 others (2023 CLC 1) has held that *Principles of policy under Article 38 of the Constitution oblige the State to secure well-being of people to provide basic necessities of life such as food, clothing, housing, education and medical relief, irrespective of sex, caste, creed or race. Such goal can only be achieved by the State by ensuring minimum standards comprised in the term 'life' and to prevent climate crisis so that human activity can be carried on without harmful effects of severe weather events which are caused by climate change. The Concept of penumbras has been employed to enlarge meaning of life and if climate crisis triggers lifechanging events, then the right conferred by Article 9 is in serious jeopardy*.

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Section 1, Lahore High Court
Rawalpindi Bench

13. This Court appreciates the positive steps taken by Respondent No.1/Secretary, Primary and Secondary Healthcare Department, Government of the Punjab, Lahore, particularly the issuance of Notification No.SO(H&D)7-1/2018-(MISC), dated 21.05.2018. Hence, this writ Petition stands **disposed of** with the following directions:

- i. That under the *Doctrine of Sovereignty*, all Respondents are bound to comply with Notification No.SO(H&D)7-1/2018-(MISC), ensuring the provision of medical treatment to Advocates and their dependents as outlined therein.
- ii. The Respondents, including the Secretary, Primary and Secondary Healthcare Department, Government of the Punjab, and relevant authorities, are directed to ensure the effective implementation of the said notification across all District Headquarters (DHQs), Tehsil Headquarters (THQs), and Rural Health Centers (RHCs) in region. This includes providing free medical treatment to practicing Advocates and their dependents upon presentation of the Punjab Bar Council membership card and extending the same benefits to Advocates on the Panel of Advocates of Government departments, ensuring medical treatment on par with officers of BPS 17 and 18.
- iii. The Respondents shall ensure full compliance of the provisions of the notification, safeguarding the rights of Advocates and their families to the medical treatment as stipulated by the Government.


(JAWAD HASSAN)
JUDGE

ZIA.UF.REHMAN


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01 FEB 2025
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Authorised Under Section
Qanun-Shahadat Order-1984

BEFORE THE HONORABLE LAHORE HIGH COURT, AT RAWALPINDI

BENCH, RAWALPINDI.

W.P No. 1778 / 2024

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Lahore High Court
Rawalpindi Bench

Adnan Mughal son of Mirza shahid Qadeer R/o house No, 756, street No.3 ,

Fuhalla Dhok Farman Ali Rawalpindi

(PETITIONER)

1-Primary and Secondary VS health care dept.

2. GOVERNMENT OF PUNJAB THROUGH ITS SECRETARY HEALTH, OFFICE SITUATED AT LAHORE.

3. DISTRICT HEALTH OFFICER OFFICE SITUATED AT SECTOR 4B KHEYABAN-E-SIR SYED RAWALPINDI

4. SECRETERAY MINISTRY OF LAW Govt of Punjab.

5. SECRETERAY MINISTRY OF LAW Govt of Sindh.

6. SECRETERAY MINISTRY OF LAW Federal Govt of Pakistan.

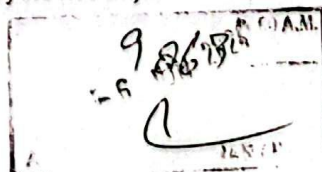
7. *Govt of Punjab through specialized health care and education dept.* (RESPONDENTS)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 TO DIRECT THE RESPONDENTS TO PROVIDE FREE MEDICAL TREATMENT TO THE PRACTICING ADVOCATES/ MEMBER OF PUNJAB BAR AT PAR WITH THE FACILITIES PROVIDED BY THE FEDERAL GOVT & GOVT OF SINDH

Respectfully Sheweth:

BREIF FACTS OF THE INSTANT WRIT PETITION:

1. That the addresses of both parties are correctly mentioned as given information for purpose of notices, accordingly.
2. That the petitioner, Adnan Mughal, practicing advocate at the Rawalpindi Bar Association and the High Court Bar Association Rawalpindi, and a permanent member thereof, profoundly affected by the discriminatory practices prevailing in the provision of medical treatment to lawyers and their dependent families, as well as other members of the Punjab Bar. It is lamentable that while lawyers in other provinces receive medical treatment free of charge, akin to Grade 17-18 officers, such privileges are denied to lawyers in Punjab.



3. The Government of Sindh provides free medical treatment to lawyers solely on the presentation of their membership cards, in accordance with Notification bearing No. S.GEL: 5-25/2005/257/Govt. of Sindh law department Karachi Department, Dated 20-02-2015 . Similarly, the Government of Punjab issued Notification No. NO. S.O. (PH)11-10/2005, granting free medical treatment to lawyers in Punjab equivalent to Grade 17-18 officers. However, regrettably, no action has been taken on this notification.

4. Pursuant to the precedent established in the province of Sindh, wherein, legal practitioners are accorded treatment commensurate with that of 17-18 grade officers in hospitals, the legal fraternity under the aegis of the federal government instituted a writ petition before the Honorable Islamabad High Court, impugning the obstacles hindering the fulfillment of their fundamental rights. His Lordship, Justice MOHSIN AKHTAR KIYANI, issued a directive to the respondents to desist from discriminatory conduct towards federal lawyers and ensure parity in treatment, akin to that afforded to their counterparts in other provinces. In conformity with the court's order, the federal government promulgated Notification No. F No.5-75-2016 Lit, dated 21-10-2016 & F 2-8/2016(Cir)Admin-IH(copies annexed), mandating hospitals in Islamabad to extend treatment to members of the Islamabad Bar and their families on an equal footing with 17-18 grade officers. (Copy of Court order dated 21-10-2016 is annexed herewith)

5. That the petitioner is describing a personal experience where they faced mistreatment and disrespect at district headquarters Hospital Rawalpindi on 03-06-2024. After obtaining a token from the OPD counter, the writer's turn was numbered 275 for a check-up, but they had to wait in line for two hours before being seen by a doctor, who then failed to conduct a proper examination or provide appropriate treatment. Despite identifying himself as a lawyer, he was subjected to severe mistreatment and provided substandard medical care, akin to an ordinary individual, which brought immense shame upon him. The petitioner is urging the honorable court to take necessary steps to ensure that lawyers receive respectful treatment, commensurate with their professional status, similar to that accorded to high-ranking officials (17-18 grade officers). This, they believe, is essential to uphold the honor and dignity of the legal community, which is a vital component of the rule of law.

6. The petitioner feels that this mistreatment is not an isolated incident, but rather a common experience for lawyers, especially when they wear their uniform. The petitioner believe that lawyers are often subjected to humiliating behavior in hospitals, which undermines the dignity of the legal profession.

7. That the petitioner belongs to a dignified profession known as the "Profession of Lords" or the "Black Coat," which commands respect and reverence among the public, the petitioner asserts that the dignity of lawyers will be irreparably

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Rawalpindi Bench

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compromised if they continue to be humiliated and disgraced in hospitals. Furthermore, young lawyers often lack the financial means to afford private medical treatment, leaving them with no recourse but the esteemed court to seek redress.

8. That the Secretaries of Government of Sindh and Federal Government of Pakistan have been arrayed as proforma respondents No. 4 & 5 for assistance, if any, to confirm the benefits provided by their governments to the Advocates by virtue of letters mentioned herein above and no relief is sought against them.

The petitioner seeks to enforce their fundamental rights on the following grounds :

- I. The denial of fundamental rights, including the Freedom of Life and Liberty guaranteed under Article 9 and 14 of the Constitution of Pakistan, to the petitioner, a practicing lawyer in Punjab, constitutes a grave injustice.
- II. Article 9 of the Constitution of Pakistan encompasses a broad spectrum, not merely limiting it to life; it elucidates dignity, protection, well-being, including medical treatment, among its core tenets.
- III. Ensuring free medical treatment for lawyers, akin to Grade 17-18 officers, is the responsibility of the government, and as officers of the court, lawyers retain the right to equality under Article 25 of the Constitution of Pakistan, but the advocates of Punjab are being deprived of this facility which is discrimination and violation of their rights to freedom of equality and equal protection of law guaranteed to them by article 25 of the constitution of islamic republic of Pakistan.
- IV. That it is also pertinent to mention that the Government Departments which keep the Advocates on their Panel of Advocates are restrained from taking the cases or appearing against those departments in any case. But in lieu of that no benefit or privilege of retainership or any monetary benefit is provided to them. Such Advocates are atleast entitled to draw benefits of medical treatment from their Departments at par with their officers of BPS 17 and 18.

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Rasoolpindi, Faisalabad

It is, therefore, respectfully prayed that this Hon. Court may very graciously be pleased to direct the Respondents No. 1 and 2 to provide medical treatment to the Advocates enrolled in Punjab Bar Council/practicing in Punjab Area. It is also prayed that the Respondents No. 1 and 2 be further directed that the Advocates on the Panel of Advocates of Government departments be provided benefits of free medical treatment from their Departments at par with their

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officers of BPS 17 and 18. Any other relief this Hon. Court to deems just may also be provided.

Through

PETITIONER

Ch. Abdul hafeez
Advocate High court
CC # 25168

Choudhary Rizwan Ellahi
Advocate High Court
CC.No.25963

Zeb Fayyaz Butt
Advocate High Court

Bushra Khan Advocate
Advocate High Court

CERTIFICATE.

1-Certified that as per instructions received from the petitioner this is the first petition on the subject matter before this Honorable Court, being non-fulfillment of earlier order issued by this Honorable court, by not redressed the grievance of petitioner by respondent authority.

COUNSEL

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01 FEB 2025
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Authorized Under Article-57
Qanun-Shahadat Order-1934

Petition No. 15436
Date of Presentation of Application 14-7-28
Date of Deposit of Fee 4
No of Words 32
Coupling to 32
Urgent Fee 2
Agency Fee 34
Court Fee 34
Total 34
Name of Copy 34
Date of Receipt of Case 1-2-28
Date of Completion of Copy 1-2-28
Date of Delivery of Copy 1-2-28

IN THE LAHORE HIGH COURT, RAWALPINDI
BENCH, RAWALPINDI

Writ Petition No. 1778 of 2024

Adnan Mughal

vs

Government of the Punjab, etc.

REPORT ON BEHALF OF SECRETARY SPECIALIZED HEALTHCARE &
MEDICAL EDUCATION DEPARTMENT (RESPONDENT NO. 1)

Respectfully Sheweth

That, Specialized Healthcare & Medical Education Department delivers quality healthcare services to the community through an efficient and effective service delivery system that is accessible, equitable, culturally acceptable, affordable and sustainable without discrimination. Specialized Healthcare & Medical Education Department aims to improve the health and quality of life of all, particularly women and children, through access to essential health services.

2. That, the Teaching / Tertiary care hospitals under the administrative control of SHC & ME Department offer treatment facilities to every citizen regardless of their profession. Furthermore, the Govt. of the Punjab has launched Universal Health Insurance Program under which every citizen of the Punjab is entitled to get free indoor medical treatment in Public Sector Hospitals in Punjab.

3. That, all the Provincial Government employees whether serving or retired, are governed under the Government Servants (Medical Attendance) Rules 1959 and entitled to get free indoor as well as outdoor medical facilities at the Provincial Government Hospitals (Annex-A). They are also entitled for reimbursement of the medical charges incurred by them on the treatment. However, reimbursement of medical charges on account of treatment at non-Provincial Government / Private Hospitals, in presence of such facilities in the Public Sector / Provincial Hospitals is not admissible.

DEPUTY SECRETARY (TECHNICAL)
SHC & ME DEPARTMENT

Through

LAW OFFICER (U)
SHC & ME DEPARTMENT

Section Officer
Ministry of Law and Justice
Government of Pakistan
Islamabad

COUNSEL

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Lahore High Court
Rawalpindi Bench

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IN THE HON'ABLE LAHORE HIGH COURT, RAWALPINDI BENCH, RAWALPINDI.

In Re:

W.P NO. 1778/2024

Adnan Mughal
V/s
Govt of Punjab etc.

HEAD RECEIPT CLERK

Diary No. 4480

Dated 25-07-24

REPORT ON THE BEHALF OF SECRETARY, PRIMARY & SECONDARY HEALTHCARE
DEPARTMENT, PUNJAB.

Respectfully Sheweth:-

Report:

Brief facts of the case are that the petitioner has filed instant writ petition before this Hon'ble Court, that respondent No.1 (Secretary, P&SHD) may be directed to provide free medical treatment to the advocates enrolled in Punjab Bar Council /practicing in Punjab area.

2. It is pertinent to mention here that Primary & Secondary Healthcare has already notified the free medical treatment to the Practicing Lawyers and their dependents on the provision of Punjab Bar Council membership card under the administrative control of P&SHD hospitals (RHC, THQ and DHQ Non-teachings) vide letter dated 21.05.2018 (Annexure -A).

Para-wise Comments:

1. Matter of Record.
2. Primary & Secondary Healthcare has already notified the free medical treatment to the Practicing Lawyers vide letter dated 21.05.2018.
3. Matter of record.
4. Matter of record.
5. The matter of DHQ hospital, Rawalpindi comes under the Jurisdiction of Specialized Healthcare and Medical Education department.
6. Does not relate to Respondent No. 1
7. Does not relate to Respondent No. 1
8. Does not relate to Respondent No. 1

ATTESTED
01 FEB 2025
Examiner of Supply
Section Law and Justice
Rawalpindi Bench

Section Officer
Ministry of Law and Justice
Government of Pakistan
Islamabad

THROUGH

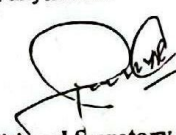
COUNSEL

Grounds:


- I. Does not relate to Respondent No. 1.
- II. Does not relate to Respondent No. 1.
- III. Primary & Secondary Healthcare has already notified the free medical treatment to the Practicing Lawyers vide letter dated 21.05.2018.
- IV. Mentioned in Para No. 2.

Prayer:

In the light of above said submission, it is humbly prayed that free medical treatment to the Practicing Lawyers under the P&SHD control hospitals are already in field, therefore, instant Writ Petition may please be dismissed, being devoid of any merits.


Additional Secretary (Tech.)
Primary & Secondary Healthcare
Department.
(On behalf of Respondent No. 1)

Through


Senior Law Officer
P&SHD.

ATTESTED
01 FEB 2025
Examiner Copy Supply
Section Law High Court
Rawalpindi Bench

RAWALPINDI BENCH, RAWALPINDI

**IN THE HON'ABLE LAHORE HIGH COURT,
RAWALPINDI BENCH, RAWALPINDI**

Writ Petition No. 1778 of 2024

HEAD RECEIPT CLERK

Diary No. 4479

Dated 25-07-24

In Re:-

Adnan Mughal, S/o Mirza Shahid Qadeer, R/o House No. 756, Street No. 03, Mohallah
Dhok Farman Ali, Rawalpindi.

Petitioner

Government of the Punjab, Through Its Secretary Health, Office Situated at Lahore

Respondents

REPORT AND PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 02

Respectfully Sheweth:

REPORT

Brief facts of the case are that the petitioner has filed instant Writ Petition before this Honorable Court, that Respondent No. 01 (Secretary, Primary & Secondary Healthcare Department Lahore) may be directed to provide free medical treatment to the advocates enrolled in Punjab Bar Council / practicing in Punjab area.

It is pertinent to mention here that Primary & Secondary Healthcare Department has already notified the free medical treatment to the Practicing Lawyers and their dependents on the provision of Punjab Bar Council membership card under the administrative control of Primary & Secondary Healthcare Department Hospitals (Rural Health Centers, Tertiary Headquarter Hospital and District Head Quarter Hospital (Non-Teaching) vide letter dated 21-05-2018 (Anx-A).

PARA WISE COMMENTS.

1. Matter of record.
2. Primary & Secondary Healthcare Department has already notified the free medical treatment to the Lawers vide letter dated 21-05-2018.
3. Matter of record.
4. Matter of record.
5. The matter of DHQ Hospital, Rawalpindi comes under the Jurisdiction of Specialized Healthcare and Medical Education Department.
6. Not related with Respondent No. 02.
7. Not related with Respondent No. 02.
8. Not related with Respondent No. 02.

GROUND

- I. Not related with Respondent No. 02.
- II. Not related with Respondent No. 02.
- III. Primary & Secondary Healthcare Department has already notified the free medical treatment to the Practicing Laweyers vide letter dated 21.05.2018.

ATTESTED
01 FEB 2025
Examiners, Supply
Section Law and Justice
Rawalpindi Bench

Muhammad Razaulian Lakno
Section Officer
Ministry of Law and Justice
Government of Pakistan
Islamabad


THROUGH

COUNSEL

IV. Metioned in Para No. 02

PRAYER

In view of above, it is most humbly prayed that the instant Writ Petition may very graciously be dismissed being devoid of any merits.


DISTRICT HEALTH OFFICER (Preventive Services)
DISTRICT HEALTH AUTHORITY
RAWALPINDI
On the behalf of the Respondent No.02

ATTESTED
01 FEB 2025
Examined by
Section Officer
Rawalpindi

BEFORE THE LAHORE HIGH COURT, RAWALPINDI BENCH, RAWALPINDI

In re:

Adnan Mughal

Wit Petition No. 1778/2024

--- Petitioner

Versus

Primate and Secondary Healthcare Department, Punjab, etc.

--- Respondents

REPORT ON BEHALF OF RESPONDENT NO.06
(M/o Law and Justice)

Respectfully Sheweth:

PRELIMINARY OBJECTIONS: -

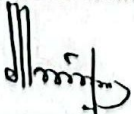
That the matter in issue substantially relates to other respondents which have already been impleaded as necessary parties in the petition. The answering respondent has been impleaded as proforma respondent.

ON FACTS:-

The petitioner through the subject petition has sought direction against Respondent No. 01 (Primary and Secondary Healthcare Department, Government of Punjab) and Respondent No. 02 (Secretary, Health, Government of Punjab, Lahore) for provision of medical treatment to the Advocates enrolled in Punjab Bar Council/practicing in Punjab. Further, the respondents may also be directed that Advocates on the Panel of Advocates of Government Departments be provided benefits of free medical treatment from their Department at par with their Officers of BS-17 and 18. It is submitted that the matter in issue relates to other respondents, as nothing has been claimed against the answering respondent. However, it is submitted that in order to protect advocates from incidents of assault, criminal force, intimidation, threats and for their welfare, the Parliament has promulgated the Lawyers Welfare and Protection Act, 2023. A mechanism has been devised through the aforesaid Act to ensure that the advocates can render professional services without fear of external influence for the ultimate cause of the administration of justice and the rule of law. Section 11 of the aforesaid Act states that the Government (Federal Government or Provincial Government) shall notify in relation to all the Government, Semi Government hospitals, the right to every advocate, his spouse and dependent children for medical treatment at par with the gazetted Government Officer, subject to presentation of their official cards and verification by the respective Bar Councils. The aforesaid Act extends to the whole of Pakistan.

PRAYER:

In view of the above submissions, it is humbly prayed that the titled petition may please be decided in the light of comments submitted by other respondents and the name of the answering respondent may please be deleted from the array of respondent.


Muhammad Razaullah Lakho
Section Officer
Ministry of Law and Justice
Government of Pakistan

ON BEHALF OF RESPONDENT NO. 06

THROUGH

Certified to be True Copy
01 FEB 2025
Examiner
Authorised
Qanun-Shariat Order: 1084