

**NATIONAL ASSEMBLY OF PAKISTAN**



MALIK MUHAMMAD AAMIR DOGAR  
MNA/Chief Whip (Opposition Party)

Islamabad, the 31<sup>th</sup> December, 2025.

**Subject:- ISSUANCE OF NOTIFICATION FOR APPOINTMENT OF LEADER OF THE  
OPPOSITION IN THE NATIONAL ASSEMBLY OF PAKISTAN.**

**Respected Mr. Speaker Sir,**

With reference to your office letter No.F.24(10)/2025-Legis dated 29<sup>th</sup> December, 2025 regarding the declaration of Leader of the Opposition.

2. It is submitted for your kind consideration that the case pending before the Peshawar High Court concerning the disqualification of the former Leader of the Opposition, Mr. Omar Ayub Khan, has now been withdrawn. **A copy of the said order/WP-5337-2025 Omar Ayub VS FOP CF is hereby submitted to you as desired, please.**

3. Consequently, there remains no legal impediment to proceeding with the issuance of the notification for the appointment of the new Leader of the Opposition Mr. Mehmood Khan Achakzai in the National Assembly of Pakistan in accordance with the prescribed Rules.

4. In view of the foregoing, it is most respectfully requested that the necessary notification for the appointment of the Leader of the Opposition be issued at the earliest, in accordance with law and established parliamentary practice.

5. Your kind consideration and expeditious action in this matter shall be highly appreciated.

Yours sincerely,

( MALIK MAUHAMMAD AAMIR DOGAR )

**The Honourable Speaker,**  
National Assembly of Pakistan,  
Parliament House,  
Islamabad.

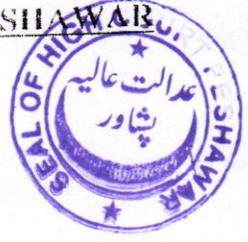
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High Court  
5-8-25

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(C)

**BEFORE THE HON'BLE PESHAWAR HIGH COURT PESHAWAR**



Writ Petition No. \_\_\_\_\_/2025

Umar Ayub Khan S/O Gohar Ayub Khan,  
R/O House No.320, Street No.58, Sector F-3/10, Islamabad.  
Permanent Address: House No.206, Rehana, Tehsil & District Haripur  
.....Petitioner

Versus

1. Federation of Pakistan Through Ministry of Interior.
  2. Speaker National Assembly of Pakistan, National Assembly of Pakistan, Islamabad.
  3. Election Commission of Pakistan through Chairman, Constitution Avenue, G-5/2, Islamabad.
  4. Secretary Election Commission of Pakistan, ECP Building, Islamabad.
- .....Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION  
OF ISLAMIC REPUBLIC OF PAKISTAN, 1973**

RESPECTFULLY SHEWETH!

That the Petitioner herein belongs to a respectable family and season politician and Member of National Assembly having been duly elected by the people of his constituency and is opposition leader in National Assembly. The petitioner herein remained Federal Minister for Economic Affairs, Minister of State for Finance

**Facts Leading to the Filing of this Petition:**

- 1) That the Petitioner is a seasoned politician, opposition leader and previously remained as Federal Minister for Economic Affairs, Minister of State for Finance, Federal Minister for Energy and many other responsible offices therefore, has been at the forefront of political activities within Khyber Pakhtunkhwa and at the National level.

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- 2) That the Petitioner has consistently raised his voice against policies of the Federal Government and the Government of Punjab and perceives them detrimental to the interests of the people of Pakistan and Khyber Pakhtunkhwa.
- 3) That the respondent due to political pressure had falsely implicated the petitioner in FIR No. 832/2023 dated 9/5/2023 U/S 324,353,186,440,427,341,290,291,505,188,148,149,34,337A(ii)3371.(ii)107.109,120(A),120(B),121,121-A,131,146,153,153-A,153-B,Armed Amendment Ordinance 2015, 16 of Panjab Maintenance of public order of 1960, U/S 59(4) & 2(1) d of Pakistan Army Act, 1952, U/S 7,9 of official Secret, Act 1997, P/S Civil Lines, Faisalabad and almost in more than 63 cases all over Pakistan.
- 4) That it is very much important to mention here that despite the facts that neither the petitioner was charged directly in the said FIR nor he was arrested from the spot and the prosecution badly failed to produce any independent evidence against the accused petitioner. The petitioner was subsequently tried in the instant case FIR No. 832 before the Special Anti-Terrorism Court, Faisalabad and upon the conclusion of trial in the absence of the petitioner the trial court convicted the petitioner vide judgment/order dated 31/07/2025
- 5) That the petitioner was present inside high court when he got information through social media that the respondent No. 3 without hearing, without receding notice or giving notice to petitioner and fulfilling codal formalities under the constitution de-notified the petitioner vide impugned No.F.17(8)2025-Coord.(M/F) dated 5/08/2025 in a slip shoot manner.

**Copy of notification is attached as Annexure A**

- 6) That the petitioner being law abiding citizen approached before this Hon'ble court and filed W.P and the Hon'ble court was gracious enough to grant interim relief and prohibited the respondents from taking any further actions.

**Copy of order is attached as annexure B**

- 7) That astonishingly the respondent no. 2 without any reason and justification issued another impugned notification no. F 24(2)2024-legis Islamabad dated 7/8/2025 and declared the petitioner disqualified and held the office of opposition in the National assembly vacant.

**Copy of impugned notification is attached as Annex C**

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- 8) That the petitioner has been denied a fair hearing in violation of fundamental rights and due process. The actions of the commission are in total disregard of principle of natural justice, hence the petitioner has no other adequate remedy but to invoke the jurisdiction of this Hon'ble court under Article 199 and all other enabling provisions of law on the following grounds inter alia:

GROUNDS:-

- A. Because Article 4 of the constitution of Islamic Republic of Pakistan ensures right of individuals to be dealt with in accordance with law, etc. To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan. That registration of the FIRs in superstitious manner and conclusion and pronouncement of judgment in the absence of petitioner and the actions of respondents by issuing disqualification notification is not only illegal, but the same amount to abuse the process of law which violates the right of the petitioner herein to be dealt in accordance to the law.
- B. That the impugned notification NO. F.24(2)/2024-legis dated 7-08-2025 is nullity in the eyes of being illegal, void ab initio, non-est for the reasons that:
- The impugned notification has been issued by the Respondent No 2 at its own, and in this illegal exercise the said Respondent has completely departed from the constitutional provisions as envisaged in Article 63 (2) of the Constitution.
  - The member of Majlis-e-Shoora (Parliament) if becomes disqualified from being member, the Speaker in case of Member Provincial Assembly is to refer the matter of disqualification to Election Commission. And the respondent no.2 never opted for the same.
  - The Election Commission on the basis of deeming provision of sub Article (2) of Article 63 of the Constitution can only proceed when period of thirty days from reference has lapsed. And this fact was best the knowledge of respondent no. 2 that the election commission of Pakistan in total violation of constitutional provisions issued the disqualification notification.
  - The undue haste in proceeding against the petitioner speaks volume about the mala fide of the said Respondents. The manner in which the notification was issued reflects about the discriminatory treatment of Respondents towards the petitioner.
  - The respondents, when ceased of question of disqualification of a parliamentarian, cannot proceed to decide the factum disqualification unless he forms an opinion as envisaged in Sub Article (3) of the Article 63 of the Constitution. No such opinion was formed and conveyed.
  - The respondents cannot decide the matter forthwith but they have to apply conscious mind judiciously after fully taking into consideration the relevant provisions.

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g. To form an opinion qua the disqualification of the member of the parliament, it is obligatory upon the respondents to serve notice and provide opportunity of being heard to concerned member that too was denied to the Petitioner.

C. That the impugned disqualification of the Petitioner has arisen on the basis of conviction of the Petitioner awarded through judgment dated 31-07-2025 of learned Special judge, Anti-Terrorism Court Faisalabad, while taking the impugned action, have failed to appreciate that:

a. Under Section 31 of the Anti-Terrorism Act, finality is subject to appeal. Thus, the Election Commission's action is premature and with no legal effect.

b. Respondent have proceeded against the Petitioner in a matter which has yet to attain finality.

a. The Petitioner has already assailed the said judgment under Section 25 of Anti-Terrorism Act, 1997 before the High Court.

D. That conjoint reading of provisions of Article 63 (1) (h) of the Constitution in conjunction with Section 232 (1) of the Election Act, 2017 it would reflect beyond the iota of any doubt that where appeal does attain finality it will not constitute valid basis for disqualification. There is plethora of case on the subject and a few precedents in this regard are:

a) Presumption of innocence governs not only the trial but continues through appellate process (PLD 2004 SC 600).

b) The presumption of innocence with which the accused starts, continues right through until he is held guilty by the final court of appeal and that presumption is neither strengthened by an acquittal nor weakened by a conviction in the trial court {Podam Singh Vs. State of UP, (2000) 1 SCC 621}.

c) A person cannot be finally convicted unless all remedies available to him under law are exhausted (PLD 2009 SC 814).

d) Disqualification under Article 63 (1) (h) read with 232 is triggered only when after conviction becomes final.

e) Where conviction is under challenged and not final, the qualification cannot be enforced unless conviction is upheld.

E. That the impugned order is in total violation of famous maxim audi alteram partem i.e. no one shall be condemned unheard. It is strange to mention here that even the petitioner till today have not received the attested order of trial court what to say about its finality and appeal proceedings but the election commission of Pakistan as usual passed the impugned order in hast just to make the day of the his political opponent bright. But the petitioner was totally deprived of all his fundamental and statutory rights.

F. That it is the knowledge of the Respondent No 2 that the respondent no. 3 is now De Facto Election commissioner and he cannot legally perform its functions under the Constitution on expiry of his term. The term of office of the Chief Election Commissioner per Article 215 of the Constitution is five

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years. Present incumbent, Mr. Sikandar Raja, having assumed office in January 2020, has ceased to hold office in January 2025. The Respondent No 3 cannot perform its functions constitutionally without a valid constitution of the Commission. Hence order of respondent no. 2 are nullity in the eye of law.

- G. That the Superior Courts lean in favour of protecting the rights of the citizens and had viewed the right of appeal as under:
- a. Right of appeal is a natural right vesting in an individual which cannot be taken away even by a provision in the enactment or under Articles 2-A or Article 227 of the Constitution.
  - b. Administration of Justice requires under the principle of Adl and Ihsaan that the aggrieved party should be entitled to test the correctness of a decision which resulted in feeling of deprivation of his rights by filing appeal. Furthermore, principle of natural justice is integral part of system of "Adl" & "Ihsan".
- H. That the impugned notification issued by Respondent No 3, even otherwise, is not sustainable in the eyes of law. It has the effect of rendering the right of appeal as insignificant. The right of appeal will become an exercise in futility if the impugned judgment is given effect without awaiting the outcome of appeal. The impugned notifications infringe upon the fundamental rights as enshrined in the Constitution and guaranteed by it.
- I. That the entire aim and object of the petitioner to safeguard his fundamental and statutory right and to protect the rights of people of his constituency.
- J. That the Respondents disregarded the basic principles of the dispensation of criminal justice. The impugned notifications have been issued in completed oblivion of settled law that:
- a. The acquittal wipes out the conviction retrospectively.
  - b. It is trite principle of democracy to allow a winning candidate to continue and represent his constituency.
  - c. Ousting a true and elected representative from election before the remedies available under law is in fact negation of basics of the *Democratic System*.
- K. Because Article 9, 10, & 10-A are much clear, provides security and safeguard to the Petitioner against any form of arbitrariness and biased procedure. That article 10-A mandates due process of law and Fair Trial
- L. Because the actions and inactions of the Respondents are politically motivated, unconstitutional, and violative of the rule of law, and they undermine the democratic process, justice system in the country.
- M. Because it is the requirement of the article 10-A of the Constitution of the Islamic Republic of Pakistan 1973 to conduct even Investigation in criminal cases in fair manner and every person has a fundamental right to due process of Law, which requirement of law has utterly been violated by the Respondents.
- N. Because the impugned order and notification are without lawful authority, without jurisdiction and is liable to be set aside.

- O. Because the Honorable Court has ample powers to give protection to the constitutional provisions and compel the respondents to adopt due process of law.
- P. Because Democracy means "Rule by the people" and the petitioner is the chosen representative of the people of his constituency.
- Q. That other grounds shall be endorsed, if permitted, at time of arguments.

**PRAYER**

In view of foregoing submissions, It Is humbly prayed that on acceptance of this petition this Hon'ble Court may graciously be pleased to pass an appropriate writ.

- a) Impugned order/notification F 24(2)2024-legis Islamabad dated 7/8/2025 passed by the Respondent no. 2 Speaker National Assembly of Pakistan be declared null and void, without jurisdiction, unlawful and of no legal effect and in sheer violation of the provision of the Constitution of Islamic Republic of Pakistan.
- b) Grant any other relief that this Honourable Court deems just and proper in the circumstances of the case.

Petitioner

Through

Alam Khan ASC

Bashir Khan Wazir  
Advocate Supreme Court.

Interim Relief:

Meanwhile, pending the final disposal of this petition, it is further prayed that this Honorable Court may graciously be pleased to set aside the impugned order dated 7/08/2025 and direct the respondents not take any action which adversely affect the rights of petitioner.

Petitioner

Through

Alam Khan Adenzai ASC

Bashir Khan Wazir  
Advocate Supreme Court

&  
Qayum Marwat AHC

**First Certificate:** It is certified as per instructions that this is the first writ petition against the unlawful and illegal action and inaction of respondents and no other petition, ICA, CPLA or review petition is pending before any forum filed by the petitioner.

**Second Certificate:** It is certified that this petition has arisen from violation and non-fulfillment of obligations under the Constitution of Islamic Republic of Pakistan, 1973 and that no other adequate remedy is available to the Petitioner.

**ATTESTED  
EXAMINER  
Peshawar High Court**

Counsel

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BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

W.P No. -P/2025

Omar Ayub Khan S/O Gohar Ayub Khan,  
R/O House No.320, Street No.58, Sector F-3/10, Islamabad.  
Permanent Address: House No.206, Rehana, Tehsil & District Haripur .....Petitioner

Versus

Federation of Pakistan & others  
.....Respondents

AFFIDIVATE

I Omar Ayub Khan S/O Gohar Ayub Khan, R/O House No.320, Street No.58, Sector F-3/10, Islamabad hereby solemnly affirm and declare that the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

*Omar Ayub Khan*  
DEPONENT

CNIC No. 61101-1909895-3

*BW*  
Identified by  
(Bashar Wazir)  
Advocate Supreme Court.

*2024*

*Gohar Ayub Khan*  
*25/11/2025*  
*11/12/2025*  
*Islamabad*  
*Bashar Wazir*

**CERTIFIED TO BE TRUE COPY**

**19 DEC 2025**

**EXAMINER**  
Peshawar High Court Peshawar  
Authorized under Article 3,7 of the  
Qanoon-e-Shahadat Act 1984

*[Signature]*  
*11/12/2025*

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1	2
18.12.2025	<p><b><u>C.M No.3286-P/2025 with C.M No.3285-P/2025 in W.P No.5337-P/2025 (D).</u></b></p> <p>Present: Mr. Alam Khan Adenzai, Advocate, for the petitioner.</p> <p>Mr. Sanaullah, Addl. Attorney General, for the Federation.</p> <p>M/s Muhammad Arshad, Special Secretary (Law), Khurram Shahzad, ADG (Law), and Samran Jahangir, AD (Law).</p> <p>*****</p> <p><b><u>SYED ARSHAD ALI, J.-</u></b> Learned counsel for the petitioner wants to withdraw the instant petition.</p> <p>Allowed. Dismissed as withdrawn.</p> <p style="text-align: center;">JUDGE <i>[Signature]</i> JUDGE</p> <p style="text-align: center;"><b>CERTIFIED TO BE TRUE COPY</b> <b>19 DEC 2025</b></p>

(D.B) (Hon'ble Mr. Justice Syed Arshad Ali & Hon'ble Mr. Justice Muhammad Faheem Wali)  
\*A.Ali\*

EXAMINER  
High Court Peshawar  
Authorized under Article 8,7 of the  
Qadon-e-Shahadat Act 1984

No. 25623  
Date of Presentation of Application 19-12-20  
No of Pages 8-8  
Copying Fee 80  
Total 80  
Date of Preparation of Copy 19-12-20  
Date of Delivery of Copy 19-12-20  
Received By [Signature]

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19 DEC 2020