



RULING OF THE CHAIR

Withdrawal of Resignation

1. That on Wednesday, the 31st May, 2017, at 5:30 p.m. Senator Nehal Hashmi appeared in person, alongwith others, in the office of the Secretary, Senate of Pakistan and tendered his resignation from his seat in the Senate, on the grounds that, "due to certain circumstances", he cannot continue discharging responsibilities of his office as a member of the Senate of Pakistan.
2. That the Secretary, on receipt of the resign, telephonically brought it to my Notice, wherein, I asked him to process the same in the light of Rules / Ruling.
3. That the Senate Secretariat processed the resign in terms of clause (1) of Article 64 of the Constitution of the Islamic Republic of Pakistan read with rule 18, Rules of Procedure and Conduct of Business in the Senate, 2012 and Ruling dated 5th October, 2015. The file was placed before me on 1st June, 2017 for orders. The note at para 125/N of the said file, pointed out a slight discrepancy in the sign on the resign and the Roll of Members. I dealt with this in the following terms:-

"I was given to understand on the phone by the Secretary Senate in the late afternoon of Wednesday, 31st May, 2017, that the resign was submitted by the Senator himself, alongwith others, in the office of the Secretary. If that be the case then the words "by and large" in para 125/N lose their significance to an extent."

4. That on the same day i.e. 1st June, 2017, I directed the Senate Secretariat to issue notice to Senator Nehal Hashmi to appear in my Chambers on Monday, the 5th June, 2017, at 10:00 a.m., so that I can ascertain that whether the resign is genuine, voluntary and he intends to relinquish his seat in the Senate.

5. That accordingly the Secretariat issued the notice to Senate Nehal Hashmi vide Letter No. F.1(1)/2015-Legis dated 1st June, 2017.
6. That on 5th June, 2017, at 9:45 a.m. a letter from the Senator was received in my office, wherein, he stated a variety of reasons including 'extenuating circumstances' and requested that his personal appearance before the Chairman Senate in connection with his resignation be postponed.
7. That the contents of the request for postponement made by Senator Nehal Hashmi raised apprehensions as to voluntariness of the resign. Therefore, keeping in view the constitutional and Rules requirement read with the Ruling dated 5th October, 2015 and judicial dictums, the matter was postponed till Wednesday, the 7th June, 2017, with a direction to the Secretariat to issue a fresh notice to the said Senator to appear in my Chambers at 10:00 a.m. on Wednesday, the 7th June, 2017.
8. That there is a requirement as well as the words "*_ _ _ resignation shall become effective after verification by the Chairman from the Member*", in sub-rule (1) of rule 18, Rules of Procedure and Conduct of Business in the Senate, 2012, draws from the dictum laid down in a long trail of judgments of the Superior Courts including the Supreme Court of Pakistan, wherein it has been held that the Presiding Officer has a duty to ascertain personally whether it is signed by the man resigning, whether it is voluntary and whether it is intended to act as a resignation (***Reliance is placed upon PLD 1966 SC 105, PLD 1976 SC 504, 1992 SCMR 2135 , PLD 1993 SC 473 , PLD 1994 SC 79 , 1992 CLC 2043 , 1992 MLD 2065 , 1993 MLD 1575 , PLD 2015 Islamabad 156).***
9. That on Tuesday, the 6th June, 2017, while I was holding an internal meeting with the Secretariat, Senator Nehal Hashmi appeared in person in my Chambers and at 10:09 a.m. handed over an application for withdrawal of his resign tendered on 31st May, 2017. As per the contents of the application, "the resign was furnished under quite unusual circumstances and now it necessitates its immediate withdrawal as it was completely in under stressful atmosphere".
10. That upon receipt of the application of withdrawal of resign, I asked the said Senator verbally also if he was withdrawing his resign to which he categorically stated "yes I

am withdrawing". The Secretary Senate, Additional Secretary (Legislation) and Joint Secretary (Legislation) were also present at that time.

11. It is pertinent to point out that the appearance in person and the submission of the application for withdrawal of the resignation dated 31st May, 2017, took place while the process for verification of the voluntariness, genuineness and intention to relinquish his seat was still in process as notice to ascertain the same had been issued for the 7th June, 2017. During the pendency of this process Senator Nehal Hashmi in person, on the instant date, has moved the said application and stated therein that the resignation tendered was "under quite unusual circumstances". The application marked as F.R. on the file may be read in extenso to this Order.
12. Before verification, the said Senator has admitted to the non-voluntariness of the resign by submitting a written application to this effect. Being custodian of the House and conscious of the fact that I am bound by my Oath of office, under Article 61, Constitution, 1973, *"to perform my functions honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan, the law and as Chairman of the Senate of Pakistan in accordance with the Rules of the Senate"*, I hereby pronounce that the notice issued for personal appearance of Senator Nehal Hashmi at 10:00 a.m. on 7th June, 2017, in the Chamber of the Chairman Senate has become infructuous. That the resign stands withdrawn.
13. With reference to the application of Article 69, Constitution, 1973, paragraphs No. 8 to 15 of the Ruling of the Chair dated 2nd November, 2015, may be read in extenso to this Order.
14. The Secretariat may inform the Leader of the House, his appointee in the Senate and Leader of the Parliamentary Party, PML (N), of this Order.



MIAN RAZA RABBANI
NI
Chairman Senate

Dictated in Chamber
Announced in the House on 7th June, 2017.
263rd Session