IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

Writ Petition No. 5933 of 2000

In the matter of:
An application under article 102 of the Constitution of the People's Republic of Bangladesh.

AND
In the matter of:

Mir Mozammel Haque and others
... Petitioners

-Versus-

Government of Bangladesh and others
…Respondents

Mr. Mia Mohammad Ishtiaque, Advocate
…For the petitioner

Dr. Mohammad Soeb Mahmud, A.A.G. with
Mr. Md. Abul Hasan, A.A.G.
Mr. Sk. Naser Wahed (Shemon), A.A.G.
Mr. Md. Azadul Islam (Azad), A.A.G and
Mr. Md. Tareq Rahman, A.A.G
... For the respondents

Judgment on: 27.08.2025

Present:

Justice Sardar Md. Rashed Jahangir
And
Justice Md. Abdul Mannan

Sardar Md. Rashed Jahangir, J:

The Rule Nisi was issued on an application under article 102 of the Constitution of the People's Republic of Bangladesh calling upon the respondents to show cause as to why the Martial Law Order No. 133 promulgated on 31.10.1986 and application thereof to the

petitioners in determining the seniority of the petitioner should not be declared void as being ultra vires to the Constitution and why the seventh amendment to the Constitution should not be declared as being ultra vires to the fundamental structure of the Constitution, and as to why the provisional gradation list prepared in 1994 as per Annexure-'N' should not be declared as having being made without lawful authority and promotions given in pursuance of the impugned gradation list should not be declared to have been made without lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.

By filing this writ petition, petitioners challenging Martial Law Order No. 133 promulgated on 31.10.1986 together with the provisional gradation list prepared in the year 1994 (Annexure-'N').

It appears that the petitioner Nos. 1-3 were appointed in the department of the then Pakistan Telegraph and Telephone and after emergence of Bangladesh they were absorbed in due course. While they were discharging their duties in their respective post a provisional gradation list was prepared through which the seniority of the petitioners in the service allegedly having been affected. In such a situation, they filed the instant writ petition and obtained the Rule Nisi.

Upon further scrutiny it appears that the petitioners have retired from their services long before and as such, the question of seniority of the service of the petitioners has lost it's effectiveness.

In the facts and circumstances, the Rule is discharged as being infructuous.

Communicate the judgment and order at once.

Md. Abdul Mannan, J:

I agree.

Obaidul Hasan/B.O