

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

WRIT PETITION NO.2696 OF 2022.

IN THE MATTER OF:

Mohammad Shishir Manir and others

.....Petitioners.

-Versus-

Chairman, Anti-Corruption Commission and
others.

...Respondents.

Mr. Mohammad Shishir Manir and others, Advocates, (in persons)

..... For the Petitioners.

Mr. A.K.M. Amin Uddin, D.A.G with

Ms. Anna Khanom Koli, A.A.G

....For the Respondents.

Mr. Md. Khurshid Alam Khan, Senior Advocate,

.....For Anti-Corruption Commission.

Present:

Mr. Justice Md. Nazrul Islam Talukder

And

Mr. Justice Md. Mostafizur Rahman

Heard on: 28.02.2022, 08.03.2022, and 10.03.2022

Order on : the 15th day of March, 2022

This is an application under Article 102 of the
Constitution of the People's Republic of Bangladesh
for conducting an independent inquiry and
accordingly bringing persons responsible to justice in
order to uphold the image of the independent,
impartial and autonomous Anti-Corruption

Commission established by law over the allegations led to the dismissal of the Respondent No.6 (Md.Sharif Uddin, Former Deputy Assistant Director, Anti-Corruption Commission) and counter allegations against the Anti-Corruption Commission as surfaced in the public domain resulting a public perception that a public wrong of grave nature has occurred.

The facts leading to filing of the writ petition are as follows :

1) That the petitioners are practicing lawyers of the Supreme Court of Bangladesh. They are officers of the Court. They are an important limb of the administration of justice. They are duty bound to act for ensuring justice and rule of law in the society. Moreover, they are conscious citizens of the country and their hearts bleed when a public wrong of grave nature occurs. The Anti-Corruption Commission

being an independent, impartial and autonomous body established by law is the only institution to conduct drive against the corruptions allegedly took place. Admittedly corruption destroys the concept of rule of law, transparency and accountability. The incumbent government also declared zero tolerance against corruption irrespective of how high the person is. The petitioners being the taxpayers are seriously affected with the events happening surrounding the decision of dismissal of the Respondent No.5.

2) That the petitioners being conscious citizens of the country happen to meet with diverse sections of people of the society. Everywhere, more specifically, the members of the Supreme Court Bar Association, converse with these issues while they come to this premises. In fact, it has become talk of the country. Even in dining table, family members

including children are asking questions to the petitioners about the future of the image of the Anti-Corruption Commission. Experiencing all these incidences, the petitioners cannot shut their eyes only because they are not the matter of the said decision of dismissal. The Anti-Corruption Commission is our Commission fighting against corruption. Its success makes the petitioners happy and its failure makes the petitioners gloomy. Hence, they are inextricably linked with the events happening around.

3) That the petitioners are public spirited persons and earlier many of them approached successfully before the Supreme Court with public causes. The petitioners are duty bound to safeguard, protect and defend the constitution and to maintain its supremacy with a view to fulfilling the embodiment of the will of the people of Bangladesh. They remain vigilant in the protection of human rights as part of

their obligation towards building a society in which the rule of law, fundamental human rights and freedom are ensured. Hence, the petitioners have filed this writ petition before this Court.

4) That in this writ petition, the petitioners have sought order of this Court for conducting an independent inquiry and accordingly bringing persons responsible to justice in order to uphold the image of the independent, impartial and autonomous Anti-Corruption Commission established by law over the allegations led to the dismissal of the Respondent No.6 (Md. Sharif Uddin, Former Deputy Assistant Director, Anti-Corruption Commission) and counter allegations against Anti-Corruption Commission as surfaced in the public domain resulting a public perception that a public wrong of grave nature has occurred. Hence, the petitioners have filed this writ petition before this Court.

5) That on 16.02.2022, the Respondent No.1 by its Memo No.04.01.0000.104.15.295.17-7490 dismissed the Respondent No.6 under rule 54(2) of the দুর্নীতি দমন কমিশন (কর্মচারী) চাকরি বিধিমালা, ২০০৮. The legality of the said provision was earlier challenged before this court and the High Court Division made the Rule absolute and the Appellate Division also affirmed the Judgment of the High Court Division. However, the Civil Review Petition No.32 of 2017 filed by the ACC is still pending for hearing and the Judgment of the High Court Division has been stayed till disposal of the aforesaid civil review petition/appeal. The aforesaid facts are evident from Annexure-A and A-1.

6) That in recent days, the petitioners came to learn about the dismissal of the Respondent No.6 by the Respondent No.1 and the allegations led to the dismissal of the Respondent No.6 (Md. Sharif Uddin,

Former Deputy Assistant Director, Anti-Corruption Commission) and counter allegations against Anti-Corruption Commission from various newspaper reports published in different national dailies which have been listed below :

I) That on 18.02.2022, 19.02.2022, 20.02.2022 and 22.02.2022, the Daily Star published news reports regarding the dismissal of the Respondent No.6. The Reports are titled ‘whose side is ACC on?’; ‘ACC Officials protest firing of colleague’; ‘praised until he stepped on toes’; and ‘senior secretary pulled strings’. The aforesaid facts are evident from Annexure-B, B-1, B-2 and B-3.

II) That on 18.02.2022, 19.02.2022, 20.02.2022 and 22.02.2022, the daily Prothom Alo published same news titled ‘ভূমি অধিগ্রহণের দুর্নীতির তদন্তে নেমে বিপদে তিনি’; দুর্নীতির তদন্তে যাদের নাম তারাই অভিযোগকারী; ‘গরিবের জমির ক্ষতিপূরণের টাকা মিলেমিশে ভাগাভাগি’; দুদকের কাছেই

তিনি ছিলেন অতি উত্তম’, ‘কক্সবাজারে ভূমি অধিগ্রহণের অনিয়মের ঘটনা তদন্ত করার পর দুদকের কাছে শরীফ উদ্দিন হয়ে যান ‘চলতি মানের’ কর্মকর্তা’ and ‘বুলে আছে ১০১ জনের সম্পদের অনুসন্ধান’। The aforesaid facts are evident from Annexure-C, C-1, C-2 and C-3.

III) That on 17.02.2022, 18.02.2022 and 19.02.2022, BBC News বাংলা Published news reports on this issue titled ‘দুর্নীতি দমন কমিশন: সহকর্মীকে অপসারণের ঘটনায় দুদকে নজিরবিহীন প্রতিবাদ’; ‘কী বলছেন চাকরিচ্যুত কর্মকর্তা’; ‘দুদক: চাকরিচ্যুত কর্মকর্তা শরীফ উদ্দিন কক্সবাজারে কী করেছিলেন?’ and ‘দুর্নীতি দমন কমিশন: প্রভাবশালীদের দুর্নীতির বিরুদ্ধে অবস্থান নিয়ে কোন কর্মকর্তা হেনস্তার শিকার হলে তার প্রভাব কী হতে পারে’.

The aforesaid facts are evident from Annexure-D, D-1 and D-2.

IV) That on 18.02.2022 and 19.02.2022 the daily Kaler Kanto and the daily Janakanto published

similar news titled ‘দুদক কর্মকর্তা চাকরিচ্যুত নজিরবিহীন প্রতিবাদ’ and ‘চাকরিচ্যুতির প্রতিবাদে দুদকে আন্দোলন এটাই প্রথম’.

7) That the above news reports as annexed in the above clearly suggest a public perception that there are some secret events that led to the dismissal of the Respondent No.6. The aforesaid facts are evident from Annexure-E and E-1.

8) That the writ petitioners being conscious and vigilant citizens of this country comprehend that such perception would tarnish the image of the Anti-Corruption Commission.

9) That the image of the Anti-Corruption Commission is a condition precedent for fighting against corruption. No doubt, corruption is a social cancer which is required to be addressed in clean hands with bonafide intention. All the writ petitioners are against the corrupt practices by any institution or person.

10) That several allegations have been brought against the Respondent No.5 for non-compliance of provisions and rules of Anti-Corruption Commission Act, 2004 and Anti-Corruption Commission Rules, 2007. Accordingly, the Respondent No.5 replied. The said proceedings are still pending. The petitioners have been able to collect some of papers of those proceedings. The aforesaid facts are evident from Annexures-G to G-29.

11) That it appears from the communications that the Respondent No.6 duly wrote letter to the concerned authority for permission of freezing the bank accounts in question. However, due to existence of unknown facts, he could not obtain the same.

12) That the communication mentioned above between the Respondent No.6 and his superior authorities approving the permission of freezing the account of one Mr. Belayet Hossain clearly shows

that the Respondent No.6 requested 'No Debit' for a temporary period of time and subsequently he tried his best to follow the provision of law and obtained the same from his higher authority. The aforesaid facts are evident from Annexure-J to J-6.

13) That the 3(three) complainants who lodged complaint against the Respondent No.6 are the accused persons of Special Case No.6 of 2020. More specifically, the accounts requested for 'No Debit' are closely connected with the offence investigated against by the Respondent No.6. The termination of the Respondent No.6 resulted uproar in the public domain and the mainstream media published series of investigative reports detailing the reason behind such dismissal.

14. That on 30.06.2021, pursuant to the order of this Court, the Respondent No.6 prepared and submitted three investigation reports in connection

with Special Case No.6 of 2020 arising out of (Durnity Daman Commission, Somonnito Zilla Karjaloy, Chattogram-02 (Cox'x Bazar) Case No.01 dated 10.03.2020. The aforesaid facts are evident from annexure- I, I-1 and I-2.

Mr. Mohammad Shishir Manir, the learned Advocate (in person) submits that the purpose for establishing an independent Anti-Corruption Commission is to prevent corruption and other corrupt practices in the country and the facts as alleged in paragraph 8 of the writ petition suggest that the image of the Commission is now at stake which has become grave concern of every citizen and as such, this court may pass an order for conducting an independent inquiry and accordingly bringing persons responsible to justice in order to uphold the image of the independent, impartial and autonomous Anti-Corruption Commission established by law over

the allegations led to the dismissal of the Respondent No.6 (Md. Sharif Uddin, Former Deputy Assistant Director, Anti-Corruption Commission) and counter allegations against Anti-Corruption Commission as surfaced in the public domain resulting a public perception that a public wrong of grave nature has occurred.

He with reference to different legal decisions candidly submits that the present writ petition in its present form and manner is very much maintainable and as such, this court may pass necessary order for conducting an independent inquiry into the allegations and counter allegations as surfaced in the writ petition.

He next submits that as per section 3 of the Anti-Corruption Commission Act, 2004, the Commission shall be independent, impartial and autonomous and the concept of impartiality

necessarily suggests that it must be seen to have been done but facts stated in paragraph 8 of the writ petition speak otherwise and as such, this court may pass an order for conducting an independent inquiry and accordingly bringing persons responsible to justice in order to uphold the image of the independent, impartial and autonomous Anti-Corruption Commission established by law over the allegations led to the dismissal of the Respondent No.6 (Md. Sharif Uddin, Former Deputy Assistant Director, Anti-Corruption Commission) and counter allegations against Anti-Corruption Commission as surfaced in the public domain resulting a public perception that a public wrong of grave nature has occurred.

He then submits that building public confidence over Anti-Corruption drive is a sine qua non for proper functioning of this independent institution and

the facts alleged if proved true and genuine, the drive against corruption will be frustrated and as such, this court may pass an order for conducting an independent inquiry and accordingly bringing persons responsible to justice in order to uphold the image of the independent, impartial and autonomous Anti-Corruption Commission established by law over the allegations led to the dismissal of the Respondent No.6 (Md. Sharif Uddin, Former Deputy Assistant Director, Anti-Corruption Commission) and counter allegations against Anti-Corruption Commission as surfaced in the public domain resulting a public perception that a public wrong of grave nature has occurred.

Mr. Md. Khurshid Alam Khan, the learned Advocate for Anti-Corruption Commission, has submitted affidavit of facts dated 06.03.2022 with vokalatnama signed by the Chairman, Anti-

Corruption Commission and the supplementary affidavits of facts dated 07.03.2022 and 10.03.2022 and categorically stated as follows :

- 1) That the Respondent No.6, Md. Sharif Uddin has been dismissed by the Chairman, Durnity Daman Commission, Dhaka (Respondent No.1) under Rule 54(2) of দুর্নীতি দমন কমিশন (কর্মচারী) চাকুরী বিধিমালা, ২০০৮; that দুর্নীতি দমন কমিশন (কর্মচারী) চাকুরী বিধিমালা, ২০০৮ came into force on 15th June, 2008 by SRO No.147-Ain/2008 pursuant to the provision of section 34 of the Durnity Daman Commission Ain, 2004 (Act No.5 of 2004) with the prior approval of the Hon'ble President of the People's Republic of Bangladesh.
- 2) That the Durnity Daman Commission (দুর্নীতি দমন কমিশন-দুদক) being an independent

statutory body is amply enabled and authorized to frame its Rules conferred on the authority/power under section 34 of the Durnity Daman Commission Ain, 2004 (দুর্নীতি দমন কমিশন আইন, ২০০৪) or to amend such rules or any portion thereof from time to time, whenever it is expedient to fit the statutory objects and purposes as laid down in the parent laws to curb the corruption or to prosecute the scheduled offences relating to corruptions upholding the mandate given in the ‘preamble’ clause of the Act, inscribed as- “দেশে দুর্নীতি এবং দুর্নীতিমূলক কার্য প্রতিরোধের লক্ষ্যে”.

3) That on 02.03.2011, one Md. Ahsan Ali, the then Deputy Director of Durnity Daman Commission, Dhaka filed a writ petition being Writ Petition No.1424 of 2011 before

the Hon'ble High Court Division challenging the Rule 54(2) of the Durnity Daman Commission (Employees) Service Rules, 2008 which allows the respondents to remove/dismiss an employee without any show cause and any hearing whatsoever and thus the Rule 54(2) is inconsistent and contrary to the principles of natural justice and violative of articles 27, 29, 31 and 40 of the Constitution; and as such, the malafide and arbitrary order bearing Nothi No. Dudak/9-2009/Ga-1/Sangstapon/2999 dated 10.02.2011 issued by the Respondent No.2 removing the petitioner from its service without any show cause is violation of the principles of natural justice (Annexure-"A") as well as articles 27, 29, 31 and 40 of the Constitution.

4) That in Writ Petition No.1424 of 2011, the High Court Division without hearing the Durnity Daman Commission issued Rule Nisi on 02.03.2011 on the following terms.

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why (i) Rule 54(2) of the Durnity Daman Commission (Employees) Service Rules, 2008 and (ii) order bearing Nothi No. Dudak/9-2009/Ga-1/Sangstapon/2999 dated 10.02.2011 issued by the Respondent No.2 (Annexure-“A”) removing the petitioner from his service without any show cause notice shall not be declared to have been issued without any lawful authority and are of no legal effect and/or pass such other or further order or orders passed as to this Court may seem fit and proper.”

The said Rule Nisi was heard and disposed of on 27.10.2011. The High Court Division without hearing the Durnity Daman Commission made the Rule absolute and rule 54(2), as it stands, was set aside. The ordering portion of judgment and order of the High Court Division is hereby quoted below :

“... Now, in the instant case, by Rule 54(2) the authorities have not only done away with audi alteram, but has indeed set apart for themselves such powers that would enable them to act arbitrarily, reasonably and at whim.

So, in our view, power conferred by this Rule is so unjust and unreasonable that it can be asserted without hesitation that the Parliament cannot be taken as having

authorised it. Failure to insert the requirement of show cause notice makes the rule audi alteram more fatal.

The same is, hence, liable to be erased from the Rules, wherefore the Rule is made absolute.

Rule 54(2), as it stands, is hereby set aside....”

5. That against the judgment and order dated 27.10.2011 passed by the High Court Division in Writ Petition No. 1424 of 2011, the Durnity Daman Commission preferred Civil Petition For Leave To Appeal No. 1181 of 2014. The said Civil Petition was heard and disposed of on 10.11.2016. The Appellate Division dismissed the civil petition for leave to appeal. The aforesaid facts are evident from Annexure-“X-1”.

6. That against the order dated 10.11.2016 passed by the Appellate Division in Civil Petition For Leave To Appeal No. 1181 of 2014, the Durnity Daman Commission filed the Civil Review Petition No. 32 of 2017 and the said Review Petition was heard on 27.11.2021. The Appellate Division upon hearing the review petition, granted leave on the following terms:

“I. Whether or not rule 54(2) of Durnity Daman Commission (Employee) Service Rules, 2008 can be the subject to judicial review or scrutiny under writ jurisdiction?

II) Whether setting aside Rule 54(2) of Durnity Daman Commission (Employee)

Service Rules, 2008 by the high Court Division is devoid of judicial justification ?

III) Whether the Rule 54(2) of the Service Rules, 2008 is violative of Articles 27/29/31 and 40 of the Constitution of the People's Republic of Bangladesh ?

i) Whether or not the service of the Commission will be governed by the general principles ?

“

7. That at time of granting leave, the Appellate Division stayed the operation of the impugned judgment and order dated

27.10.2011 passed by the High Court Division in Writ Petition No. 1424 of 2011 till disposal of the appeal. The aforesaid facts are evident from Annexure-“X-2”.

8. That after granting leave, the said Civil Review Petition has been converted into Civil Appeal and registered as Civil Appeal No. 15 of 2022.

9. That the Respondent No. 6 Md. Sharif Uddin, the then Deputy Assistant Director, Durnity Daman Commission imposed “no debit” status on 33 Bank accounts of suspected individuals of money laundering/ corruption cases without prior permission of the concerned Court, i.e the learned Senior Special Judge, even without approval of the Commission; the dismissed employee Md.

Sharif Uddin sent a letter to the Bank concern for “no debit”. It is mentioned here that in the case of Belayet Hosen Vs. Anti Corruption Commission and others reported in 26 BLC (2021) (HD) 479, it has been held that without permission of the Court concerned, no one, even the Commission has got any power to pass any order of freezing or attachment or to impose any restrictions with regard to a property of a citizen of the Country allegedly to have been amassed/acquired by illegal means i.e ‘crime acquired property’. In the said judgment, the High Court Division held that the Respondent No. 3 i.e Sharif Ahmed having no authority issued the impugned letter to the Bank, which is illegal, arbitrary, without

jurisdiction and colourable exercise of power. The aforesaid facts are evident from Annexure-“X-3”.

10. That in June 2021, Md. Sharif Uddin was transferred to Patuakhali from Chattogram. A fake rights organization then filed the writ petition before the High Court Division challenging the transfer order of Sharif. A false order stating that “the High Court Division stayed his transfer” was circulated at that time. It is mentioned here that on 26.08.2021, the Virtual Bench of the High Court Division disposed of writ petition No.105(A-17) of 2021 in the following terms:

“ Since the Anti-Corruption Commission has already formed a

committee to inquiry into the conduct of Sharif Uddin, we expect that the Commission will conclude the same within the time [30 (thirty) days] mentioned in the said notice.....”

11. That the Respondent No. 6, Md. Sharif Uddin, the then Deputy Assistant Director, Durnity Daman Commission imposed “no debit” status on 33 Bank accounts without prior permission of the concerned Court, i.e Senior Special Judge, even without approval of the Commission. The description of the Bank accounts along with allegation filed by the victim before the Durnity Daman Commission against Respondent No. 6 Md. Shaif Uddin is annexed and marked as Annexure-“X-5”.

12. That from the cause title, averments/contents in the writ petition along with the prayer portion of the writ petition, it is clearly evident that there is a corroboration by the decision of the BNP standing committee particularly in respect of the motive of the instant writ petition. The writ petition has been sworn in and filed on 23.02.2022, and the statement of the Mirza Fakhrul Islam Alamgir, Secretary General of BNP was published in the daily Prothom Alo on 24.02.2022 and hence, it appears that there is an unholy inseparable nexus between the parties. The relevant portion of the said statement runs as follows:

“দুর্নীতির বিরুদ্ধে ব্যবস্থা নেওয়ার কারণেই শরীফ
চাকরিচ্যুত
বিএনপির স্থায়ী কমিটির মত

বিএনপি অবিলম্বে এই বিষয়টির সম্পূর্ণ নিরপেক্ষ তদন্ত এবং শরীফ উদ্দিনকে পুনরায় কাজে বহাল করার দাবি জানিয়েছে।

বিশেষ প্রতিনিধি, ঢাকা

“..... স্থায়ী কমিটি দুর্নীতি দমন কমিশনের উপসহকারী পরিচালক মো. শরীফ উদ্দিনকে বরখাস্তের ঘটনায় বিস্ময় প্রকাশ করেছে। সভা মনে করে, কল্পবাজারে দুর্নীতিতে জড়িত রাজনীতিক ও সরকারি কর্মকর্তাদের চিহ্নিত করে ব্যবস্থা নেওয়ার কারণেই শরীফ উদ্দিনকে বরখাস্ত হতে হয়েছে। বিএনপি অবিলম্বে এই বিষয়টির সম্পূর্ণ নিরপেক্ষ তদন্ত এবং শরীফ উদ্দিনকে পুনরায় কাজে বহাল করার দাবি জানিয়েছে।....”

সূত্র: প্রথম আলো, ২৪-০২-২০২২।

13. That from the averments and contents of the writ petition as well as statement of the BNP's standing committee, it clearly shows that this is not a 'public interest litigation'; rather it can be said as political interest litigation with an ulterior motive to defame the Commission. Hence, the 'motion' is liable to be rejected summarily. That a photocopy of the paper cutting published in daily Prothom Alo

dated 24.02.2022 has been annexed and marked as Anneuxure-“X-6”.

14. That Mr. Abul Hasnat Md Abdul Wadud, Son of Md. Ayen Uddin and Ummetun Nesa, Director (Legal) of the Durnity Daman Commission, Head Office, 1, Segunbagicha, Ramna, Dhaka-1000 is authorized by the Chairman of the Durnity Daman Commission, Dhaka for swearing affidavit and as such, he may kindly be permitted to swear affidavit with the photocopy of the letter of authorization along with photocopies of the annexures, otherwise the Respondent No.1 will be seriously prejudiced. The photocopy of the said letter of authorization has been annexed and marked as Annexure-“X-7”.

15. That on 19.02.2020 RAB officials seized Taka 93,60,150/- (ninety three lac sixty thousand one hundred fifty); that on 19.03.2020, the then investigating officer Md. Sharif Uddin received the

said seized amount in Dudak (Sojeka), Chattogram-2(Cox'sbazar) Case No.1, dated 10.03.2020; that the said seized amount was in the custody of the then investigating officer Md. Sharif Uddin till 29.08.2021 i.e. one year five months and ten days; that the subsequent investigating officer Assistant Director of Durnity Daman Commission, Nurul Islam deposited the said amount with the treasury, office of the Deputy Commissioner, Chattagram with the permission of this Court's order dated 26.12.2021. That Memo No. 00. 01. 0000. 202. 18. 012. 22. 10077 dated 09.03.2022 in respect of Dudak (Sojeka), Chattogram-2(Cox'sbazar) Case No.1, dated 10.03.2020 issued by Khan Md. Nizamul Islam, Deputy Director (Inquiry and Investigation-5), Durnity Daman Commission, Head Officer, Dhaka has been filed and marked as Annexure-'X-8'

16. That the dismissed official Sharif Uddin without approval of the Commission and without permission from concerned Court kept Taka 93,60,150/- (ninety three lac sixty thousand one hundred fifty) in his custody for a long time. The said amount was seized in Dudak (Sojeka), Chattogram-2 (Cox'sbazar) Case No.1, dated 10.03.2020. That on 14.12.2021, a Division Bench comprising of Mr. Justice M. Enayetur Rahim and Mr. Justice Md. Mostafizur Rahman, at the time of hearing of Writ Petition No.105(A-17) of 2021 through virtual hearing directed the Durnity Daman Commission to inquire into the matter- how Taka 93,60,150/- (ninety three lac sixty thousand one hundred fifty) was lying with the investigating officer without approval of the Commission or Court? How the matter was dealt with by the Commission? It should be explained. It is mentioned here that after the oral order of the High

Court Division, the Commission started proceeding against him.

Mr. Md. Khurshid Alam Khan, the learned Senior Advocate appearing on behalf of the Anti-Corruption Commission, submits that Rule 54(2) of দুর্নীতি দমন কমিশন (কর্মচারী) চাকুরী বিধিমালা, ২০০৮ cannot be the subject matter of judicial review or scrutiny in writ jurisdiction under Article 102 of the Constitution since the said legal issue is now in sesein of the Appellate Division and as such, in view of the pendency of the said legal issue before the apex Court for adjudication, the writ petition is not maintainable in the eye of law and as such, the ‘motion’ may kindly be rejected summarily.

He next submits that the provision laid down under Rule 54(2) of দুর্নীতি দমন কমিশন (কর্মচারী) চাকুরী বিধিমালা, ২০০৮ has been incorporated with a definite view to control, manage, supervise and to maintain

discipline and order in the service of the Commission and thus, this is an administrative manoeuvre and activity of the Commission, which comes within the absolute domain, power, function and authority of the Commission and is inevitably the internal affairs of the Commission, which cannot be the subject matter of judicial review or scrutiny under the writ jurisdiction and as such the 'motion' may kindly be rejected summarily.

He then submits that the provision of Rule 54(2) of the দুর্নীতি দমন কমিশন (কর্মচারী) চাকুরী বিধিমালা, ২০০৮ clearly deals with the internal affairs of the Commission and on the other hand, Rule 19 of দুর্নীতি দমন কমিশন বিধিমালা, ২০০৭ empowers the Commission to prosecute its employee for internal allegations of corruption and as such, question of violation of natural justice does not arise at all. Hence, the 'motion' may kindly be rejected summarily.

He candidly submits that the dismissal of Respondent No. 6, Md. Sharif Uddin is an administrative act and domain under the provision of 54(2) of the দুর্নীতি দমন কমিশন (কর্মচারী) চাকুরী বিধিমালা, ২০০৮ and as such, it is not subject to judicial scrutiny. The order of Respondent No.1-Chairman, Durnity Daman Commission cannot be taken in any way for interference and as such, question of legality of the order cannot be challenged. Hence the ‘motion’ may kindly be rejected in limine.

He categorically submits that the dismissal order of Respondent No.1-Chairman, Durnity Daman Commission is to be considered as an administrative act and manoeuvring which cannot be brought for judicial “scrutiny” under Article 102 of the Constitution. Hence, the ‘motion’ may kindly be rejected summarily.

He lastly submits that in the case of National Board of Revenue and others Vs. Abu Saeed Khan and others reported in 18 BLC (AD) (2013) page 116, the Appellate Division was pleased to set out as many as 14 ‘parameters’ in terms of filing any writ petition before this Hon’ble Court in the form of ‘Public Interest Litigation’ (PIL)- one of those parameters is—“The Court is under an obligation to guard that the filing of a PIL does not convert into a publicity interest litigation or private interest litigation”; in the instant writ petition, being filed in the form of ‘Public Interest Litigation’ (PIL), the petitioners miserably fail to meet the requirements of filing the writ petition; since the writ petition is devoid of legal substances and efficacies, the ‘motion’ may kindly be rejected summarily.

Mr. A.K.M. Amin Uddin, the learned Deputy Attorney-General appearing for Bangladesh

has adopted the submissions made by the learned Advocate for the Anti-Corruption Commission and submits that this writ petition is not maintainable in its present form and manner.

It may be noted that we have gone through the writ petition, the supplementary affidavits, affidavit of facts and the supplementary affidavits of facts and perused the materials annexed therewith. We have also heard the writ petitioners, the learned Advocate for the Anti-Corruption Commission and the learned Deputy-Attorney General for Bangladesh at length on 28.02.2022, 08.03.2022 and 10.03.2022 and then fixed this writ petition for passing order on 15.03.2022.

Today this matter has appeared in the list for passing order.

At the time of passing order, when we express our view not to issue Rule in this matter, at that time

the writ petitioners appearing in persons submit that they will not press the writ petition and pray for rejection of the writ petition as being not pressed. On the contrary, Mr. Md. Khurshid Alam Khan, the learned Advocate for the Anti-Corruption Commission has vehemently opposed the prayer of the writ petitioners contending, inter-alia, that this writ petition along with respective parties was heard on 28.02.2022, 08.03.2022 and 10.03.2022; following the order of this court dated 28.02.2022, the Anti-Corruption Commission has submitted affidavit-of-facts and two supplementary affidavits of facts annexing all the necessary papers and documents for adjudication of the matter effectively and completely; the Commission has given a lot of labour and energy behind this writ petition and the petitioners could have prayed for rejection of the writ petition at the initial stage of hearing but they failed

to do so and for this reason, this writ petition may be disposed of on merit considering the facts and circumstances of the case and the submissions advanced by him. Conversely, the petitioners' submission is that they may pray for rejection of the writ petition as being not pressed any time before passing necessary order by this court since they do not want to proceed with their writ petition. In addition to the submissions of Mr. Khan, the learned Deputy Attorney-General has also urged before this court that since the matter at hand has been heard days together, it may be disposed of on merit considering his submissions as well as quoting the statements and submissions made by the learned Advocate for the Anti-Corruption Commission.

Having considered all the facts and the circumstances of the case, the submissions, the propositions of law and the prayer of the writ

petitioners, the writ petition is rejected as being not pressed.

Communicate the order to the Chairman, Anti-Corruption Commission and other respondents at once.