

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

HCA No.51 of 2023
(*Syed Farrukh Ghani v. Bank of Punjab & Others*)

Date	Order with signature of Judge
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1. For orders on office objection a/w reply at A
2. For hearing of main case
3. For hearing of CMA No.901/2023

25-02-2026

Mr. Muhammad Umar Lakhani, Advocate for Appellant
Mr. Anas Makhdoom, Advocate for Respondent-Bank

Has challenged the Order dated 24.01.2023 of learned Single Bench of this Court returning the Plaint of the Appellant to be filed in competent jurisdiction (at Lahore), primarily on the ground that the Appellant/Plaintiff in response to the inquiry initiated against him, was conducted at Lahore and he “surrendered” himself before the Inquiry Committee at Lahore. The Appellant’s Counsel has questioned the Order on various grounds and in particular that the Appellant is the permanent resident of Karachi as is evident from his Employment Card (Page-105); was working as EVP-I/Divisional Head Specialized Functions Operations for Karachi Zone; although the Show Cause Notice was issued from the Head Office at Lahore and response was also sent there, but in the Final Show Cause Notice dated 03.12.2020 (Page-45) an option was given to attend the inquiry proceeding either personally at Lahore or through Zoom/Online at Karachi; states that the Appellant did not physically appear before the Inquiry Committee at Lahore. Contends that the impugned Dismissal Letter of 15.03.2021 was also served upon the Appellant at Karachi and to support

this fact he has referred to the Shipment Tracking System Receipt (at Page-129). Cited the Judgments of *President, Allied Bank Ltd. v. Shaukat Naseem (2006 SCMR 1794)* and of Indian jurisdiction passed by High Court of Delhi in *W.P. (C) No.10392/2015 (P K S Shrivastava v. Union of India And ANR.)*.

2. The above line of argument is vehemently opposed by the learned Counsel for Respondent-Bank. He has supported the Impugned Order and states that the Courts in Karachi have no jurisdiction because the Head Office of Bank of Punjab is in Lahore and the disciplinary proceeding was conducted at Lahore; mere fact that the Termination Letter was communicated to the Appellant at Karachi, will not be considered as set of facts for the cause of action (at Karachi). He has cited the Judgments reported as _

- i. Murlidhar P. Gangwani v. Aftab Islam Agha (2005 MLD 1506),*
- ii. Safe Mix Concrete Ltd. v. Pakistan (2020 PTD 263)*
and
- iii. MCB Bank Limited v. Rizwan Ali Khan (2010 CLC 186).*

3. Arguments heard and record perused.

4. The above narrated facts are undisputed.

5. The Show Cause Notice dated 15.05.2020 (Page-39) has alleged, *inter alia*, negligence in performance of duties. In *ABL Case* (cited by Appellant's Counsel), the respondent-Employee was dismissed from service, which was challenged before the Punjab Labour Court No.8, which dismissed the Petition on the ground of lack of territorial jurisdiction, but the Hon'ble

Supreme Court maintained the Decision of learned High Court (Bahawalpur Bench) by ruling that since Lodhran Branch of the Bank (where the respondent was working) was under the Regional Office of the Bank at Bahawalpur and he also remained posted at Bahawalpur, therefore, the above Punjab Labour Court No.8, situated in Bahawalpur, will have jurisdiction.

6. The summary of the Judgments cited by the Respondents' Counsel is that in the *Safe Mix* Case, when the show cause notice for short payment of sales tax was issued to the petitioner (of the reported Case) by one of the officers of FBR at Lahore, it is held, that this Court has no territorial jurisdiction to entertain the Suit; whereas, in *Islam Agha* Case, an election dispute was decided, in which earlier plaint was returned after observation that this Court has no territorial jurisdiction. In Appeal it is observed that since the main relief in the Suit was to declare the Notification dated 15.12.2003 as illegal, which was issued from the Lahore Office of Society (respondent No.4 of the reported Decision), so also the person nominated in the said Notification was also resident of Punjab; thus in this context, it was ruled that this Court has no jurisdiction and the impugned order was maintained. In *MCB* Case (*ibid*), the learned Counsel stated that it is on all fours, with the present facts because it is a service matter of the Bank's employee, who was dismissed from service and the Order was issued from Islamabad Office. The Court held that the respondent employee cannot institute a proceeding in Skardu although he was working there, but at Islamabad from where the inquiry actually initiated and Dismissal Order

passed. This Judgment of *MCB Case* has a persuasive value and while deciding this Appeal, we are inclined to rely upon Judgment of Hon'ble Supreme Court and our own Court.

7. Question of territorial jurisdiction in a service matter has been recently decided by the learned Division Bench of this Court in an unreported Judgment handed down in C.P. No.D-4223 of 2024 (*Abdul Munib, Ex-Chief Technician v. Vice Chief of Air Staff, Pakistan Air Force*) 2025 SHC KHI 2791. In this PAF Case, factually, the Dismissal Order was communicated by PAF to the petitioner (of the said Judgment), who was working at Karachi at the relevant time, the Court ruled, after discussing the case law on the subject, that this Court has territorial jurisdiction to decide the matter.

8. In the present case also it is undisputed that the Appellant is also working at Karachi, besides, he is a permanent resident here; and Dismissal Letter was also communicated to him at Karachi, whereas, earlier the option was given to attend the inquiry proceeding either physically or through Zoom (from Karachi).

9. With regard to the observation mentioned in the Impugned Order of present Appeal that since Appellant "surrendered" before the Inquiry Committee at Lahore, followed by the Dismissal Order, therefore, the ultimate cause which gives birth to a jurisdiction under normal circumstances, is at Lahore; with respect, we disagree with the finding; for the reason that if an employee is complying the directions of his Organization/Employer, that only shows his purported bona fide and not a surrender, which term is usually invoked

in other situation, such as in an arbitration *lis*, where a party questioning the jurisdiction of arbitrators, takes certain steps in the proceeding, which usually is held as surrendered before the jurisdiction. The obedience of organizational directions, in our considered view, may not be termed as "surrendered".

10. In view of the above, the Case Law cited by the Respondent Bank, is distinguishable from the facts of the present controversy. Thus, we hold that the Court(s) in Karachi has / have jurisdiction to decide the **Suit/Lis** filed by the Appellant.

Additionally, in view of the above, the Appellant who is an individual and currently out of job, to remove him from this jurisdiction, would cause him immense hardship, because then, to seek justice, he has to pursue his litigation in Lahore, as against the Respondent Bank, which has all resources and infrastructure to defend the above Suit, having its Branches and establishment all over Pakistan.

11. Consequently, the Impugned Order is set aside and Suit proceeding is revived.

12. Since the matter is to be transferred to District Court, the concerned Trial Court will immediately commence the proceeding and decide the same within three months in the following terms:-

- i) If Written Statement is not already filed, the same should be filed within four weeks (from the date of this Order), or the concerned Respondent / Defendant will be debarred from filing the Written Statement.

- ii) The evidence should be concluded within two months without adjournment, save, in exceptional circumstances.
- iii) If on the date of evidence the Witness or Party is not available, then side will be closed and if the Opponent's Counsel is reluctant to cross-examine the witness, then the cross-examination shall be marked as "**Nil**".

13. In the above terms, the Appeal is allowed.

JUDGE

JUDGE

Shakeel, PS