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BEFORE THE SINDH SERVICE TRIBUNAL FOR
SUBORDINATE JUDICIARY,
HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Mohammad Karim Khan Agha (Chairman)
Mr. Justice Muhammad Faisal Kamal Alam (Member),

Service Appeal No.16 of 2010.

Appellant	Imam Dino Bhutto S/o. Late Muhammad Saffar Bhutto, Resident of Agar Mohallah, Thatta Sindh, Additional District & Sessions Judge (Since compulsorily retired is present in person)
Respondent	1. Member Inspection Team-1, High Court of Sindh, Karachi. 2. Registrar, High Court of Sindh, Karachi through Mr. Ali Safdar Deepar, Assistant Advocate General Sindh.
Date of Hearing	03.06.2023
Date of Announcement	17.06.2023.

ORDER

1. The appellant has filed this appeal against Order dated 08.05.2010 (the impugned order) whereby he was given the major penalty of compulsory retirement from service.
2. The brief facts of the case are that the appellant was issued various show cause notices in respect of allegations of corruption and after considering his replies and hearing him finally vide the impugned order he was given the penalty of compulsory retirement from service by the competent authority. The impugned order is set out below for ease of reference;

"The Officer is present with regard to the final show cause notice issued against him by the Authority as to why he should not be compulsorily retired in view of his patchy record of service and adverse remarks of his integrity being doubtful recorded by at least three reporting officers. Previously he was issued a show cause notice on the same grounds when

he was heard by the authorized officer and his compulsory retirement from service was recommended.

In his defence, the officer has submitted that there is no complaint from any quarter against him and at least one of the reporting officer viz Khair Muhammad Talpur had recorded the adverse remarks in the quarterly report after he had retired with on stroke of pen on the same date. Hence, the same is not reliable. In the circumstances, the officer has contended that the final show cause notice be vacated and he be discharged from the allegations contained therein.

I have heard the officer. Such submissions were also made before the authorized officer who despite the same had recommended his compulsory retirement. I have no reason to disagree as at least three reporting officers have recorded adverse remarks as to his integrity. In the circumstances, his reply to the final show cause notice is rejected. The officer stands compulsorily retired from service immediately.

Sd/8.5.2010
Chief Justice/Authority

3. The appellant adopted the same arguments as are set out in the impugned order which is reproduced above where as learned AAG fully supported the impugned order and contended that since the appeal was without merit it be dismissed.

4. We have heard the parties and gone through the record.

5. The main allegations against the appellant is that his work was not up to the mark and that he had severe integrity issues in that in effect he was a corrupt and dishonest officer.

6. The file reveals as under in terms of ACR's, quarterly reports and other reports as to the competence and integrity of the appellant.

"It is respectfully submitted that on going through the ACR file of Mr. Imam Dino Bhutto, Additional District & Sessions Judge, Sanghar, it transpired that he is carrying persistent reputation of being corrupt, which is evident from his Annual Confidential Reports from, 01.01.1999 to 31.12.1999, 01.01.2000 to 31.12.2000, 01.01.2001 to 31.12.2001, 01.01.2002 to 31.12.2002, 01.01.2003 to 31.12.2003 and 01.01.2004 to 31.12.2004, detail of which may kindly be perused as under:-

1. 01.01.1999 to 31.12.1999

PEN PICTURE
"He should improve his integrity."
(Mr. Justice Saiyed Saced Ashhad)
Chief Justice

2. 01.01.2000 to 31.12.2000

PEN PICTURE

"He should improve his integrity."
(Mr. Justice Saiyed Saeed Ashhad)
Chief Justice

3. 01.01.2001 to 31.12.2001

PEN PICTURE

"Continues to carry reputation of corruption."
(Mr. Justice Saiyed Saeed Ashhad)
Chief Justice

4. 01.01.2002 to 31.12.2002

PEN PICTURE

"A D.B. of this court in its Judgment dated 19.02.2002 in C.P. No.D-2539/2001 made certain observations relating to the competency and integrity of the officer. The relevant passage is reproduced as under:-

"Before parting we are constrained to observe that we would be failing in our duty if we do not record that the Addl. District Judge, performing the functions of election tribunal did not merely commit an error of law, but violated the essential norms of judicial conduct in recording such a perverse order. The order does not merely reflect culpable inefficiency and ignorance of law but prima facie to be tainted with ulterior motives."

The above observation cast a serious doubt relating to integrity and competency of this officer."

(Mr. Justice Saiyed Saeed Ashhad)
Chief Justice

5. 01.01.2003 to 31.12.2003

PEN PICTURE

"Integrity highly doubtful. Performance barely average."
(Mr. Justice Saiyed Saeed Ashhad)
Chief Justice

6. 01.01.2004 to 31.12.2004

PEN PICTURE

"Integrity highly doubtful Competency barely average."
(Mr. Justice Saiyed Saeed Ashhad)
Chief Justice

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In quarterly reports for the years 2001, 2002, 2003 and 2004 received from different District & Sessions Judges, under whom Mr. Imam Dina Bhutto, Additional District & Sessions Judge, Sanghar, has been working, have observed that his integrity is doubtful, whereas his persistent reputation is not good. Details of the same are as under:

1) 01-01-2001 TO 31-03-2001

Persistent Reputation..... "He is not enjoying good reputation."

(Mr. Muhammad Ishaq Memon)

2) 01-04-2001 TO 30-06-2001

Persistent Reputation. "He is not enjoying good reputation."

(Mr. Muhammad Ishaq Memon)

3) 01-07-2001 TO 30-09-2001

Persistent Reputation. "He is not enjoying good reputation."

(Mr. Muhammad Ishaq Memon)

4) 01-01-2002 TO 31-03-2002

Persistent Reputation. "He does not enjoy good reputation"

(Mr. Muhammad Ishaq Memon)

5) 01-04-2002 TO 30-06-2002

Persistent Reputation. "He does not enjoy good Reputation."

(Mr. Muhammad Ishaq Memon)

6) 01-07-2002 TO 30-09-2002

Persistent Reputation. "He does not enjoy good reputation"

(Mr. Muhammad Ishaq Memon)

7) 01-10-2002 TO 31-12-2002

Persistent Reputation. "He does not enjoy good reputation"

(Mr. Muhammad Ishaq Memon)

8) 01-01-2003 To 31-03-2003

INTEGRITY: "Not Satisfactory"
Persistent Reputation. "He is not enjoying good reputation".

(Mr. Amir Ali M. Thari)

9) 01-04-2003 TO 30-06-2003

INTEGRITY: "Not Satisfactory"
Persistent Reputation. "He is not enjoying good reputation"

(Mr. Amir Ali M. Thari)

10) 01-07-2003 TO 30-09-2003

INTEGRITY: "Not Satisfactory"
Persistent Reputation. "He is not enjoying good reputation"

(Mr. Amir Ali M. Thari)

INTEGRITY: "Not Satisfactory"
Persistent Reputation. "He is not enjoying good reputation"

(Mr. Amir Ali M. Thari)

11) 01.10.2003 TO 31.12.2003

INTEGRITY: "Doubtful"
Persistent Reputation. "Not good"

(Mir Khair Muhammad Talpur)

12) 01.01.2004 TO 31.03.2004

INTEGRITY: "Doubtful"
Persistent Reputation. "Not good"

(Mir Khair Muhammad Talpur)

13) 01.04.2004 TO 30.06.2004

INTEGRITY: "Doubtful"
Persistent Reputation. "Not good"

(Mir Khair Muhammad Talpur)

14) 01.07.2004 TO 30.09.2004

INTEGRITY: "Doubtful"
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Persistent Reputation. "Not good"

(Mir Khair Muhammad Talpur)

15) 01.10.2004 TO Nov. 2004

INTEGRITY: "Doubtful".
Persistent Reputation. "Not good"

(Mir Khair Muhammad Talpur)

Continuously in 06 of the Annual Confidential Reports, Mr. Imam Dino Bhutto, has been rated as corrupt officer. Representations made by him for expunction of adverse remarks in his A.C.Rs for the period from 01.01.1999 to 31.12.1999, 01.01.2000 to 31.12.2000, 01.01.2001 to 31.12.2001 and 01.01.2002 to 31.12.2002 have been rejected by the competent authority, which evidently show justification of remarks of his persistent reputation of being corrupt. And also in his 15 quarterly reports by different District & Sessions Judges he has been reported to be of doubtful integrity".

7. We find that the above reports reveal a continuous pattern of poor performance and lack of integrity over a period of three [3] years on the part of the appellant in terms of corrupt practices. Significantly these reports have not come from one reporting officer but numerous reporting officers who had no ill will or enmity against the appellant so even if one report could be taken with a pinch of salt however the fact that such negative reports have been corroborated by two other different officers in different locations in our view speaks of their correctness and we find the charges of corruption proven against the appellant.

8. For the reasons mentioned above, we find no infirmity in the impugned order which is maintained and the appeal is dismissed.