

ORDER SHEET  
IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD

C.P No.D-946 of 2013

C.P No.D-947 of 2013

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DATE	ORDER WITH SIGNATURE OF JUDGE
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27.03.2019

M/s Muhammad Saulat Rizvi & Zahid Mallah, advocates  
for petitioners

Ch. Muhammad Ashraf, advocate for NBP

Mr. Zulfiqar Ali Rajput, Assistant Attorney General

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Petitioners by means of captioned petitions have challenged inquiry proceedings initiated against them by respondent National Bank of Pakistan on the allegations, which are set out in charge sheet available at page No. 21 & 23 respectively and are reproduced below:-

*“2. He, while performing duty on cash counter at NPB Main Branch Thatta, with malafide intention connived & joined hands with Ghulam Mustafa Khatri O.G-II / the then BBO Operator/Operations Manager and Mr. Aftab Ali Shah O.G-II/ the then Passing Officer & Joint Custodian, in commission of fraud in sheer violation of Bank’s Rules, regarding payment of Cheques/vouchers as per details given hereunder. Moreover, these payments were made without any care and proper verification in order to safe guard the Bank’s interest. Despite the fact that these payment were managed by M/s Aftab Ali Shah and Ghulam Mustafa Khatri (both Officer Grade-II) against counterfeit/bogus Cheques under forged signature of the Account Holders.”*

Today this matter has been taken up for hearing and during course of arguments, learned counsel for respondent Bank has submitted that before filing of these petitions, the petitioners were already terminated from service vide order dated 09.05.2013, as such the petitions for the reliefs as contained in prayer clause against inquiry proceedings are not maintainable. However, this fact has been disputed by the learned defence counsel on the ground that the termination order was not communicated to the petitioners and

even otherwise this is a subsequent development which can be taken into consideration and remedied by this court while disposing of these petitions. Be that as it may, learned counsel for the parties after arguing the case at some length have agreed to disposal of these petitions by converting them into departmental appeals under Rule 40 of National Bank of Pakistan Staff Service (Regulations), 1973 against the termination orders with a direction to competent authority to decide the same within a period of 30 days and in case the decision comes against petitioners, they would be at liberty to approach this court against such order.

Accordingly, with consent, these petitions are disposed of in the terms whereby they are converted into departmental appeals under Rule 40 of National Bank of Pakistan Staff Service (Rules), 1973 against termination orders and sent to competent authority viz: Group Head (HR) for a decision within a period of 30 days from today and while deciding the appeals the competent authority may consider the order dated 06.10.2016 passed by this court in C.P No.D-4160/2015, which was filed by one Mushtaque Ahmed Soomro facing same inquiry, and which was allowed and he was reinstated in service, but the respondent Bank was put at liberty to initiate a de novo inquiry against him.

Both petitions in the terms as stated above are disposed of alongwith pending application(s), if any.

JUDGE

JUDGE