

IN THE HIGH COURT OF SINDH, AT KARACHI

Present:

Mr. Justice Irfan Saadat Khan

Mr. Justice Adnan-ul-Karim Memon

C.P No.D-6378 of 2018

Roshan AliPetitioner

Versus

Government of Sindh & others Respondents

Petitioner: Through Mr. Tariq Jakhrani Advocate.

Date of hearing: 06.09.2018

ORDER

ADNAN-UL-KARIM MEMON,J:- The Petitioner has called in-question his suspension from service order dated 30.08.2018 issued by Sindh Local Government Board.

Brief facts of the case are that the Petitioner is working as Taxation Officer in BPS-17. It may be stated that in view of urgency shown by the learned counsel for the Petitioner he has argued the entire case on merits.

A bare perusal of impugned order dated 03.08.2018 shows that the Petitioner was suspended without any charge. Before dilating upon the above, at the first instance we would like to consider whether the Petitioner can challenge his suspension order in a Constitution Petition. In the light of foregoing factual position of the case, we would like to shed light on the term "Suspension". In law 'suspension' is not defined as a punishment but it is an intervening arrangement, which is temporary in nature

and resorted to prevent the delinquent official from influencing the outcome of subsequent enquiry on any of the charges against him. In view of such position, in our view the Petitioner cannot file a petition against his suspension, which is simply a temporary measure and has been taken to reduce the chances of tempering in the course of enquiry by them. Against the adverse result of enquiry, if any, the Petitioner will have the remedy of appeal and in presence of such adequate remedy; this Court at this juncture will not step in to declare the suspension of the Petitioner illegal or void. More so, the Petitioner's objection on his suspension is technical and procedural in nature, since it is not his case that the charges mentioned in the suspension order are the outcome of some malice or ulterior motives and/or against the principles of natural justice. In such circumstances, we would not like to exercise our discretion in his favour to thwart the whole process of enquiry against him and set-aside his suspension on any the technical ground, which will amount to interfering in the right of the authority to enquire into allegations against the Petitioner.

The Petitioner has not been able to show, in view of above facts and circumstances, as to how he is prejudiced by his suspension as he has been receiving his salary during the suspension period.

In the light of above discussion the instant petition merit no consideration and the same is accordingly dismissed in-limine along-with the listed application(s).

JUDGE

JUDGE