

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No.D – 1769 of 2017

Present :

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Ghulam Murtaza Daudpoto V/S Province of Sindh & 03 others.

Direction :

1. For hearing of CMA No.24149 of 2017 (Stay) :
2. For hearing of CMA No.23811 of 2017 (Stay) :
3. For hearing of CMA No.23812 of 2017 (contempt) :

Date of hearing
& decision : 04.03.2020.

Mr. Munawar Alam Khan, advocate for the applicant / petitioner.
Mr. Shakeel Ahmed, advocate.
Mr. Faizan Hussain, advocate.
Mr. Hakim Ali Shaikh, Additional Advocate General.

ORDER

Through the listed contempt application, petitioner has alleged that respondents have violated the following order dated 03.04.2017, whereby this petition was disposed of:

“Mr. Roshan Ali Kanasro, Managing Director, Sindh Tourism and Development Corporation present in Court, states that if the case of the Petitioner for review of his promotion is put up before the Committee in terms of the above said notification, he would be provided an opportunity of hearing and then an appropriate order in accordance with law will be passed. The Petitioner and his counsel have shown satisfaction and seek disposal of the instant petition in the above terms. Accordingly, the instant petition is disposed of in the above terms.”

Mr. Munawar Alam Khan, learned counsel for the petitioner, has conceded that petitioner’s service has been terminated vide order dated 25.08.2017 without any justification and assigning any reason so also without issuing any show cause notice, which is against the principles of natural justice. The ratio of the order as discussed supra was to review his promotion by the competent authority, which has been done. Regarding the second and subsequent issue with regard to the termination of the service of the petitioner, he has already filed another petition viz. C.P No.D- 6046 of 2017 by calling in question his termination order which is subjudice.

In our view, we cannot enlarge the scope of the main disposal order and do not find any violation of the order passed by this Court as his termination is a separate, subsequent and fresh cause of action which has already been impugned by him through a separate petition as noted above. Resultantly, CMA No. 23812 of 2017 along with pending applications is dismissed with no order as to costs.

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