

IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D-2097 of 2020

Date	Order with Signature of Judge
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Fresh Case :

1. For order on Misc. No.1000/2020 (Urgency) :
2. For order on office objection No.18 :
3. For order on Misc. No.10002 /2020 (Exemption) :
4. For orders on Misc. No.10003/2020 (Stay) :
5. For hearing of main case :

30.03.2020 :

Mr. Ali Ahmad Turabi, advocate for the petitioner.

1. Urgency granted.
2. Learned counsel undertakes to comply with the office objection before the next date of hearing.
3. Exemption is granted subject to all just exceptions.

4&5. Petitioner in the year 2010 was appointed as Deputy Manager Finance (BPS-17) in Port Qasim Authority, the Ministry of Maritime Affairs, Islamabad. He allegedly absented himself from duty for a continuous period of approximately fifty-one (51) days from 02.02.2020 giving rise to disciplinary proceedings which resulted in issuance of the impugned show cause notice dated 11.03.2020. Learned counsel contends that petitioner has not absented himself rather he has been granted extraordinary leave without pay and allowance with effect from 02.11.2019 to 01.02.2020 and his extension in Ex-Pakistan leave for a period of two (02) years with effect from 02.11.2019, which has been duly approved by the competent authority, but due to malafide intention they have suppressed the said letter. It is further contended that the period of leave granted has expired on 24.03.2020. Petitioner is presently in Canada and due to lockdown situation all over the world, he is unable to join the disciplinary proceedings initiated against him by Port Qasim Authority (PQA). He prays for notice and in the meanwhile, no coercive action be taken against him. Prima facie the petitioner's authorized leave has already expired and nothing has been placed on record to substantiate his extension in the Ex-Pakistan leave for a period of two (02) years. As per impugned show cause notice, his request has been rejected, such information has been provided to the petitioner through email / WhatsApp message and calls about the rejection of his request with direction to join his duties. The main reason agitated that movement of more than one third of the planet's population has been restricted as such his movement is also restricted for not joining the disciplinary

proceedings, appears to be genuine which requires consideration. Issue notice to the respondent as well as to learned DAG for **27.04.2020**. In the meanwhile, the respondent-authority may continue with the disciplinary proceedings, but no final decision shall be taken against the petitioner.

JUDGE

JUDGE

Nadir