

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D – 4309 of 2020

Date	Order with signature of Judge
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Fresh Matter :

1. For orders on Misc. No.18095/2020 (U/A) :
2. For orders on Misc. No.18096/2020 (E/A) :
3. For orders on Misc. No.18097/2020 (Stay) :
4. For hearing of Main Case :

**14.09.2020** : Mr. Muhammad Arshad Khan Tanoli, advocate for the petitioner.

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1. Urgency granted.

2 to 4. Vide notification dated 12.08.2014 (page 99), petitioner, who was serving as Superintendent (BPS-17) in Directorate of Finance, Quaid-e-Azam University of Engineering & Technology (QUEST), Nawabshah, was transferred from the said post to Dawood University of Engineering and Technology (DUET), Karachi, as Superintendent (BPS-17) with immediate effect and till further orders. He has impugned office order dated 10.12.2019 (page 143) issued by respondent No.1 DUET whereby he has been repatriated to his parent institution viz. QUEST with immediate effect. It is contended that after relinquishing the charge at DUET when he approached QUEST for joining, he was informed by QUEST vide letter dated 16.01.2020 (page 145) that his lien in respect of the post in QUEST had been terminated on 25.11.2019 upon completion of five years as per rules of QUEST, and as such he was advised to continue his services with DUET. At this juncture, the petitioner availed two remedies as he filed a representation / appeal before DUET for the release of his unpaid salary and for continuation of his services in DUET, and he also filed a representation before the worthy Chief Minister of Sindh with the request that he may be allowed to continue his services with DUET. Vide direction dated 23.01.2020 (page 151), the worthy Chief Minister Sindh directed the competent authority to put up his case for continuation of services at DUET. It is contended that instead of putting up the petitioner's case as directed by the worthy Chief Minister Sindh, a summary (page 153) was moved whereby he was advised to file an appeal before the Syndicate of DUET. In this regard, learned counsel contends that the above mentioned first remedy availed by the petitioner is actually his appeal which is still pending. In the above circumstances, it is clear that the petitioner has indeed availed his remedy by filing an appeal before DUET, but the said remedy has admittedly not been exhausted by him before invoking the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

Accordingly, we direct respondent No.1 to decide the petitioner's representation / appeal within fifteen (15) days from receipt of this order strictly in accordance with law, prevailing rules, regulations and policy of DUET, and after providing opportunity of hearing to him. Let notice be issued to respondent No.1 for compliance. This petition and listed applications stand disposed of in the above terms with no order as to costs.

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