

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.D-3815 of 2019

Maqsood Ali

Versus

Pakistan Telecommunication Company Ltd. & another

Date	Order with signature of Judge
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For orders as to maintainability

Dated: 13.01.2021

Mr. S. Ansar Hussain Zaidi for petitioner.

Mr. Zia-ul-Haq Makhdoom along with Mr. Azhar Mehmood for respondent No.1.

Mr. M. Nishat Warsi for respondent No.2.

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Petitioner through instant petition has sought direction for respondent No.1 to issue his retirement notification on completion of 25 years' service.

Petitioner was an employee of erstwhile Pakistan Telegraph & Telephone Department. He was sent on deputation in the year 1978. Such period claimed to have been extended in the year 1984. While he was on deputation, he moved an application for an early retirement in the year 1981. Copy of such application is available at page 11. While the application apparently was pending for process, as informed vide letter available at page 13, the petitioner was terminated from service in the year 1984. This petition was filed by the petitioner without having knowledge, as stated, regarding his dismissal from service and hence he has prayed for decision on his application for retirement on account of rendering 25 years of service.

Mr. Zia-ul-Haq Makhdoom, learned counsel appearing for respondent No.1, submits that Pakistan Telecommunication Company Limited received no record of the petitioner while it stepped into the

shoes of their predecessor in the year 1996 as perhaps by that time services of the petitioner had already been terminated by the concerned ministry under whom the erstwhile Pakistan Telegraph & Telephone Department operated.

The stance of respondent No.1 regarding his termination is debatable on account of the fact that petitioner's extension of deputation was granted for another period of five years on 29.07.1984 as could be seen from letter available at page 7 with the synopses of the petitioner. Though copy of this letter is not supplied to the respondents as it has been filed belatedly but this letter is duly signed by General Manager Karachi Telecomm: Region, Karachi of Pakistan Telegraph & Telephone Department.

By 1981 petitioner claimed to have already rendered service of 25 years. The question was whether his termination could have been converted into a voluntarily retirement on account of rendering pensionable service and what was the misconduct which prevailed over voluntary retirement application. Apparently it seems to be a hard and harsh order to dismiss the petitioner from service on account of his absence, especially in the light of extension of deputation for another period of five years w.e.f. 31.07.1984, and pensionable service, as referred above.

We have also been assisted by learned counsel for respondent No.1 that petitioner was very much aware of his dismissal since in the year 1995 as the Section Officer of Ministry of Communication had forwarded an appeal/petition of the petitioner to Chairman PTC Islamabad for an appropriate consideration so petitioner had the knowledge of order of dismissal. However, when asked as to the outcome of the appeal, learned counsel for respondent No.1, as well as Deputy Attorney General, submits that no record is available in this

regard. Though the referred letter of 1995 is filed with the comments of respondent No.1, it is stated to have been provided by petitioner to the respondent No.1.

Be that as it may, in view of above facts and circumstances, we deem it appropriate to dispose of this petition with directions to the concerned ministry and/or appropriate authority under the law to dispose of appeal of the petitioner in consideration of above facts and on the strength of the application wherein petitioner has agitated for his early/voluntary retirement on account of rendering 25 years' service, if not already decided. In case the dismissal of petitioner is converted into a voluntarily retirement in view of consideration of the facts narrated in the application/appeal, the record of the petitioner may be sent by respondent No.2 to respondent No.1 for further proceedings/actions. In case the appeal has already been decided, the copy of order be forwarded to petitioner officially, to avail remedy available to him under the law.

Petition stands disposed of in the above terms along with pending applications.

Judge

Judge