

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

C.P. No.D-8533/2017 and D-1788/2019

Date	Order with signature of Judge
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For hearing of CMA No.14615/20

Dated: 09.02.2021

Mr. Shazia Zafar holds brief for Mr. Shoa-un-Nabi for petitioner in CP No.D-8533/2017.

Mr. Khurram Lakhani for petitioner in CP No.D-1788/2019.

Mr. Ali Safdar Depar, Assistant Advocate General.

Mr. Iqbal Khurram for KMC/alleged contemnors along with alleged contemnors Jamil Farooqi, Senior Director (HRM) KMC and Muhammad Asim Raza, Director Recruitment, HRM, KMC.

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These two petitions were disposed of vide order dated 11.03.2020 whereby issue of salary and regularization was set at rest. The salaries were ordered to be paid immediately whereas the issue of regularization was left at the discretion of the authorities. In response to the aforesaid order, respondents have submitted report which purportedly reveals that on the recommendation of this Court the services were being regularized. The Court took serious notice and issued contempt notice/show-cause notice as to how letters of regularizations were issued as if regularization was an order of the Court. The wisdom prevailed and the error was rectified and earlier letter of regularization was withdrawn and replaced with another letter of regularization dated 08.02.2021, copies whereof are filed along with several other documents filed today in Court along with statement by learned counsel appearing for KMC, whereby the scrutiny committee with the approval of competent authority i.e. Administrator KMC pleased to regularize the services of individuals/petitioners. This process of regularization is subject to all just exceptions as provided under the law and is an independent process

without any directions or recommendation of the Court. We are emphasizing this as this action of regularization was taken by the department on their own hence we cannot comment on merit, however, we are leaving it open for a debate in an appropriate case where a challenge is thrown to the process of regularization, if the codal formalities have not been fulfilled while making recruitment.

Be that as it may, the process of regularization has taken to its logical end in terms of the recommendation of the scrutiny committee and the competent authority. We are now left with the contempt that was committed by the contemnors to whom show-cause notices were issued. The main contemnor namely Jamil Farooqi, Senior Director (HRM) KMC has submitted a reply to the show-cause notice in the shape of an affidavit and he has categorically stated that he misunderstood the direction of the Court and has incorrectly interpreted the order of the Court and has sought an unconditional apology and left himself at the mercy of the Court. He submits that now since error has been rectified he may be pardoned. Mr. Iqbal Khurram, learned counsel appearing for the KMC/alleged contemnors also submitted that the alleged contemnor has served for about 29 years and has an unblemished service record.

In view of above and considering the affidavit of apology in terms of paragraph 7, unconditional apology is accepted and the alleged contemnors are pardoned with directions to be careful in future.

All pending applications including contempt applications filed in both the petitions are disposed of including the show-cause/contempt notice issued by this Court on 28.01/2021 stands withdrawn/discharged.

Judge

Judge