

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P No.D-5632 of 2019

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Order with signature of Judge

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**Fresh Case**

1. For orders on Misc. No.24895/2019.
2. For orders on Misc. No.24896/2019.
3. For orders on Misc. No.24897/2019.
4. For hearing of main case.

**03.09.2019**

Mr. Muhammad Nishat Warsi, advocate for the Petitioner.

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1. Urgency granted.
2. Exemption granted subject to all just exceptions.
- 3&4. It is, inter-alia, contended by the learned Counsel for the Petitioner that the petitioner is simply asking for setting-aside the office Order dated 11.7.2019 passed by Respondent-Sindh Employees' Social Security Institution, whereby he was awarded major penalty of removal from service on the premise that he failed to produce the requisite academic qualification Certificate for the post of Accounts Officer BS-16; that at the time of his initial appointment i.e. Dresser, he was Matriculate and as per law, the qualification for that post was Matric; that at the time of his subsequent appointment Accounts Officer BS-16, he had never submitted any Qualification Certificates nor was he asked to produce; that during his tenure of service with the Respondent-Institute, he acquired not only experience, but he went various trainings and courses and now has sufficient expertise in the relevant field; that petitioner was never served with any show cause notice on the aforesaid allegations, therefore he cannot admit anything until and unless he is given full opportunity of hearing to defend himself with regard to the purported charges; that the petitioner at all needed some reasonable time to get his testimonials verified from the concerned department, for which he ought to have been provided time but in haphazard manner he was condemned unheard by the Respondent-Institute; that there is no Misconduct on the part of the Petitioner, who never produced any

Graduation Certificate for his appointment. The Counsel further argued that he was not served with any Show cause notice and he has impugned the Termination Order when received, as such, the proceedings initiated against him are not sustainable under Service Rules, 2006 and are nullity in the eyes of law. He continued that in terms of Article 4, 10-A and 25 of the Constitution of the Islamic Republic of Pakistan 1973, the Petitioner is entitled to Fair trial and this Court has jurisdiction to interfere in the matters involving infringement of Citizens Fundamental Right by the State functionaries.

Contention raised requires consideration. Let notice be issued to the Respondents as well as AAG for a date to be fixed by the office in the 2<sup>nd</sup> week of September, 2019.

**JUDGE**

**JUDGE**

Nadir/-