

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1942 of 2017

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For hearing of CMA No. 1126/19.
2. For hearing of CMA No. 12053/17.

16.09.2019.

Mr. Siraj Ahmed Mangi, Advocate for Plaintiff.
Mr. Muhammad Altaf holding brief for Mr. Usman Tufail Shaikh,
Advocate for Defendants.

It appears that in this matter, the Plaintiff has challenged notice of inquiry dated 31.7.2017 pursuant to a show cause notice dated 12.11.2014, whereby, it has been alleged by PIA that the educational documents submitted by the Plaintiff are forged and fake. On 23.10.2017, an order was passed, relevant part thereof reads as under:-

“ On 31.07.2017 a notice of inquiry was issued to the plaintiff on account alleged forged Intermediate Certificate produced at the time of appointment in PIA. Learned counsel submits that the inquiry is being conducted, but the plaintiff is not being given proper opportunity of defence. Let notice be repeated to the defendants for 31.10.2017 to file their counter affidavit, however, till next date of hearing no coercive action shall be taken against the plaintiff.”

The matter is pending since then; however, it appears that the Hon'ble Supreme Court has taken up these matters of fake educational qualifications of the employees of PIA in *Suo Muto* proceedings, through Human Rights Case No.8645 of 2018, wherein, various orders have been passed and certain directions have been given to PIA. On 24.12.2018 the following order was passed;

The CEO of PIA, Air Marshal Arshad Malik is in attendance and states that out of 73 cases regarding bogus degrees of the pilots and cabin crew, 10 cases have been finalized and action has been taken against the delinquents, whereas stay orders have been obtained prohibiting final action against he accused. Having heard the CEO PIA we direct that the proceedings in the 63 cases be finalized independently by CAA/PIA within a period of 10 days from today irrespective of any stay order obtained by any party from any Court in Pakistan, after which the issue of pendency of cases throughout Pakistan shall be considered by this Court and appropriate orders may be passed.

Thereafter another order has been passed on 9.1.2019 which reads as under;

We have been apprised by Ms. Amna Warsi, Legal Advisor of Civil Aviation Authority (CAA) that the degrees of 16 pilots of all the Airlines have been found to be fake on account of which their licenses have been suspended. Besides, the degrees of 64 members of the cabin crew have also been found to be fake and action has been taken against which they have a right of appeal. Moreover, there are 6 more degrees which require verification from abroad. Be that as it may, substantial work in this matter has been accomplished. In light of the above, we do not wish to keep this matter pending which is accordingly disposed of. Verification of the remaining degrees should be conducted at the earliest after which appropriate action should be taken in accordance with law.

Subsequently, PIA has proceeded further and an order of dismissal from service has been passed on 27.12.2018 and application at Serial No.1 is for initiating contempt proceedings against PIA. However, in these circumstances, it would not be appropriate for this Court to interfere in the proceedings initiated by PIA pursuant to certain directions of the Hon'ble Supreme Court. Accordingly, both the listed applications stands dismissed.

Moreover, since the Plaintiff now stands dismissed from service the entire Suit has become infructuous, and therefore it stands dismissed as infructuous, whereas, the Plaintiff may seek appropriate remedy against the order of dismissal in accordance with service regulations of PIA.

J U D G E

Ayaz P.S.