

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D – 6112 of 2021

Order with signature of Judge(s)

1. For order on Misc. No.25886/2021 (Urgency)
2. For order on Misc. No.25887/2021 (Exemption)
3. For order on Misc. No.25888/2021 (Stay)
4. For hearing of main case

12.10.2021

Mr. Ali Asadullah Bullo, advocate for the petitioner

1. Urgency granted.
2. Granted subject to all just exceptions.
- 3-4. At the outset, learned counsel for the petitioner while referring C.P. No. D –6025/2021 contends that on 07.10.2021, ad-interim order was extended to the petitioner in above petition and case of the present petitioner is on same footing. Being conducive, paragraphs No.3 and 4 of that order are reproduced herewith: -

“3&4. Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, the petitioner has assailed his termination of service by the respondent-SSGCL. It is, inter-alia, contended on behalf of the petitioner that, previously the service of the petitioner was terminated by the respondent-SSGCL, however, due to intervention by the Hon’ble Supreme Court vide Judgment dated 02.05.2003, his services were restored with effect from the date of his dismissal from service. Per learned counsel all of sudden, the petitioner received a letter of termination simpliciter dated 10.06.2021, whereby his services were terminated without any reason, thus the petitioner being aggrieved by and dissatisfied with the letter dated 10.06.2021 instituted Civil Suit before the learned Single Judge (OS) of this Court, which was later on withdrawn vide order dated 04.10.2021 (Page-93). Learned counsel for the petitioner states at the bar that under similar circumstances the learned Division Bench of High Court of Baluchistan at Quetta entertained the constitutional petition No.D-950/2021 filed by his colleague and the same was allowed vide Judgment dated 19.07.2021; and, the case of the petitioner is akin to the case decided by the learned Bench of Baluchistan High Court as discussed supra; that petitioner being eligible in all respect is entitled to completion of his tenure of service which is going to an end in a couple of months upon reaching the age of superannuation; that the impugned termination order is violative of Section 24-A of the General Clauses Act; that the impugned order does not reflect any reason thereof; that petitioner was not at fault when he was ordered to be terminated/relieved from his post. He lastly prayed for notice to the respondents and seeks suspension of the impugned letter dated 10.06.2021 issued by the respondent-SSGCL.

To appreciate as to whether termination of the service of the petitioner required the process of issuing show-cause notice, holding of regular inquiry, and passing of proper order by the competent authority, after granting him a personal hearing, and/or was a termination simpliciter not requiring the above process? Notice to the respondents as well as DAG for 14.10.2021. Meanwhile the operation of the impugned letter dated 10.06.2021 shall remain suspended. To come up along with C.P No.D-5499/2021.”

Be that as it may, issue notice to the respondents as well as to learned DAG for **14.10.2021**. Meanwhile, operation of the impugned letter dated 10.6.2021 shall remain suspended.

JUDGE

JUDGE