

Order Sheet  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD

CP No. D- 1163 of 2021

**BEFORE :**

Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Adnan Iqbal Chaudhry

Date of hearing  
& decision:

23.11.2021

Petitioner:

Altaf Ahmed through Mr. Irfan Ahmed Qureshi,  
Advocate.

Barrister Aamir Qureshi, Advocate for PTA

Mr. Ashfaq Nabi Qazi, Assistant Attorney  
General

**ORDER**

**ADNAN-UL-KARIM MEMON, J:-** Through this petition, the petitioner has prayed as under:-

- i. It may be ordered and declared the repatriation notification vide No. F.NO. 1(1242/BISP/HR/ S/2018 dated 29<sup>th</sup> June, 2021 for relieving the petitioner is illegal, unlawful and void, same may be declared as annulled and cancelled.
- ii. It may also be further pass order for relieving the petitioner with other charges as baseless, for which no regular inquiry as per rules and regulations are conducted.
- iii. It may also be pleased to further pass order and direct the respondents that for relieving the petitioner to his parent department with Honourably due to his performance and achievement for the BISP.
- iv. It may also be pleased to further pass order that PTA may be directed to allow petitioner to join his parent department on lien basis at same previous post as per Law without starting any disciplinary action / coercive action against Petitioner as it is BISP related allegations and not related to PTA, so that Petitioner may be able to continue his job without any fear of illegal action against him.

2. Brief facts of the case, according to memo of petition, are that on 22.6.2010 the petitioner was appointed as Deputy Director (Finance) in

Pakistan Telecommunication Authority (PTA) Islamabad on a contract basis in Grade EG-3. Subsequently, his services were confirmed. Later on, his services were required by Benazir Income Support Program (BISP) on a deputation basis, vide letter dated 27<sup>th</sup> December 2017 and accordingly petitioner was relieved from his parent department/PTA and joined the BISP, where he was posted as Divisional Director, Hyderabad and continued there for 03 years and finally vide notification dated 29.06.2021 he was repatriated to his parent department/PTA; however, with the allegations of 'inefficiency', 'misconduct' and 'corruption', involving forgery in cheques and office record, hence petitioner being aggrieved of the observations made against him in the impugned notification, preferred instant petition.

3. Mr. Irfan Ahmed Qureshi, learned counsel for the petitioner has argued that the impugned repatriation notification dated 29.6.2021 is against the law, facts, and equity, without conducting a regular inquiry as provided under E & D Rules. He next argued that since the petitioner during his posting as Divisional Director at Hyderabad and Mirpurkhas Division, red-handedly caught hundreds of retailers, who were involved in illegal and forceful deductions of EKP/BISP beneficiaries, embezzlements, and auto-withdrawal of millions of payments through fake thumb impressions of remote and dead beneficiaries and got registered more than 100 FIRs against them so also against the retailers who were involved in illegal deduction of Rs. 1000/- to Rs. 3000/- from the payments of each BISP Beneficiary, as such BISP management, which was in collusion with aforesaid retailers and was also involved in above said embezzlement, was not happy with petitioner, hence they have repatriated the petitioner with false allegations. He further argued that malafide of BISP management is evident from the fact that though the petitioner was relieved on 30<sup>th</sup> July 2021 from BISP and joined his parent department i.e. PTA on 12<sup>th</sup> August 2021, yet BISP management is not paying his due salary for July 2021 and 11 days of August 2021, instead they have illegally mentioned in LPC an amount Rs.705,549/- recoverable from petitioner for alleged remaining absent from duties from April to 5<sup>th</sup> July 2021. In the end, he prayed for the removal of stigma in impugned repatriation notification and consequently declared all the subsequent proceedings initiated based on impugned notification as a nullity in the eyes of law.

4. Learned counsel for PTA has raised the question of maintainability of the instant petition on the premise that petitioner has resumed his duties at parent department / PTA w.e.f 12.08.2021 as such he has no cause of action against the answering respondent/PTA. In support of his contention, he relied upon the copies of emails, notification dated 05.07.2021, and letter dated 30.07.2021 followed by another letter dated 20.08.2021. He lastly prayed for the dismissal of this petition against answering respondents.

5. Learned Assistant Attorney General has referred the parawise comments filed on behalf of respondents BISP and raised the question of maintainability of the instant petition; however, he concedes that petitioner was deputationist, therefore, disciplinary proceedings, if any, could be initiated under relevant rules, governing his terms and conditions of service only by his parent department.

6. At this stage, we confronted the learned Asstt. Attorney General that since no disciplinary proceedings were concluded against the petitioner either by the respondent BISP and/or PTA, then how petitioner has been repatriated with stigma in impugned notification, without conclusion of the disciplinary proceedings.

7. In reply to the above query, learned Asstt. Attorney General submitted that it would be more appropriate to refer the matter to the parent department of the petitioner to look into the matter, so far as allegations leveled against petitioner in impugned notification are concerned. However, in principle, he agreed that the stigma on the character of the petitioner, as portrayed by the respondent BISP in the impugned notification dated 29.06.2021, needs to be de-stigmatized / removed/expunged, as the petitioner has not yet been found guilty of the charges leveled against him; and it is for his parent department to probe the allegations afresh if need be, under the relevant statute.

8. The learned counsel for the petitioner has candidly conceded the proposal put forward by the learned Asstt. Attorney General and seeks disposal of this petition in the same terms.

9. The above proposal is quite reasonable and the same is acceded to. Accordingly, this petition stands disposed of in the terms of the proposal put forward by the parties. However, we deem it more appropriate to leave the disciplinary matter at the disposal of respondent PTA to probe into the allegations leveled against the

petitioner in accordance with law, if they feel so. In the meanwhile, the allegations leveled against the petitioner in the impugned notification of repatriation are hereby removed /expunged; resultantly all actions taken on the basis of stigma and after repatriation are of no consequence as the same could not be treated as conclusive. The respondent BISP shall re-issue the repatriation notification accordingly.

10. This petition stands disposed of in the above terms.

JUDGE

JUDGE

Karar\_hussain/PS\*