

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

C.P No.D-842 of 2021

BEFORE:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Adnan Iqbal Chaudhry

Petitioner : Through Ishrat Ali Lohar, Advocate.

Respondent No.1 : Through Mr. Ashfaqe Nabi Qazi
Asst. Attorney General for Pakistan
a/w Mr. Muhammad Imran Managing
Director CEO Islamabad, Nazeer
Ahmed D. Manager (Legal).

Respondents No.2, 6 & 8 : Through Mr. Rizwan Faiz
Muhammad, Advocate

Date of Hearing : 24.11.2021
& Decision

ORDER

ADNAN-UL-KARIM MEMON, J:- Through the instant petition, the petitioners have called in question the inquiry report of the respondent No.2 (GENCO) initiated against the respondent Jamshoro Power Company Ltd. [JPCL] on account of irregularities in the appointment of the petitioners as Junior Engineers on contract basis in the Jamshoro Coal Power Project.

Per the enquiry report, the appointment of some of the petitioners was in deviation of the eligibility criteria that was advertised, and that the process of the scrutiny committee to shortlist candidates was also questionable, which then gave some force to the allegation of nepotism in complaint received by GENCO.

The petitioners who had been so appointed, brought the instant petition apprehending termination. By an interim order dated 06.05.2021 this Court restrained the respondents from passing a final order against the petitioners without hearing them.

Learned counsel for JPCL submitted that by such time the BoD of JPCL had already passed a resolution on 04.05.2021 to terminate the petitioners' employment contract, however by way of a termination simpliciter, and termination letters were accordingly prepared on 06.05.2021; but on receipt of notice of the interim order, the termination letters were kept in abeyance. In such circumstances where the termination letters did not take effect due to the interim order passed by this Court, we do not see the need to advert to the argument of 'termination simpliciter'. The question before us is simply whether to interfere in the enquiry report of GENCO or not.

The gist of the enquiry report has already been discussed by us above. In that report not only is the eligibility of the petitioners in question, but also the role of the scrutiny committee of JPCL is in question. The BoD resolution of JPCL dated 04.06.2021 is not accompanied by the minutes of the meeting to show that the BoD had deliberated, endorsed or rejected the findings given in the enquiry report. When confronted with that aspect of the matter both learned counsel submitted that the matter may be decided afresh by the BoD of JPCL.

Therefore, this petition is disposed of with the direction to the JPCL to take a decision afresh on the enquiry report after taking the version of the petitioners as well. If the BoD endorses the findings in the enquiry report, it is expected that it will also initiate disciplinary proceedings against delinquent officers.

JUDGE

JUDGE

Hafiz Fahad