Suit No.863 of 2020

Iqbal Khan
Versus
Pakistan International Airline Company Ltd. & others

Date	Order with signature of Judge

For hearing of CMA 5962/20

Dated: 11.03.2022

Mr. M. Saad Siddiqui along with Mr. Ahmed Nizamani for plaintiff.
Mr. Muhammad Ramzan Awan for defendant No.1.
Mr. Arshad H. Lodhi for defendant No.6.
Mr. Ameeruddin for defendant No.7.

-.-.-

Muhammad Shafi Siddiqui, J.- Since short cause is involved all the learned counsel present have agreed that entire suit be disposed of while hearing listed injunction application as the only issue is that plaintiff was dismissed from service on the allegations of having submitted fake degree.

I have heard learned counsel for plaintiff and defendant No.1 as being contesting parties and perused material available on record.

Plaintiff in this suit was an employee of defendant No.1 and was engaged in service in pursuance of an advertisement of 1989. The prerequisite for the appointment as being an apprentice mechanic/ technician was also disclosed in the advertisement. It is case of the plaintiff that he did not cite or present any bachelor degree except as required under the advertisement i.e. only intermediate certificate however in addition therewith only mark sheet of Part-II B.Sc. as being failed was presented but it has nothing to do with required credentials. Though plaintiff had a master degree in Islamic Studies however such

was never presented as being not in issue for considering his appointment.

A show-cause notice was originally contested by filing a suit however no substantial relief was availed by the plaintiff and consequently he received a dismissal order from service on 12.11.2019. It is the case of the plaintiff that he has already filed an appeal against such dismissal which is a remedy under the PIACL Employees (Service & Discipline) Regulations 1985, copy of which is available at page 191 of the file. Learned counsel for plaintiff submits that there is no rational and reason provided in the dismissal order as to why he (plaintiff) would submit forged and fabricated degree of B.Sc. when it was never required at the time of his appointment. Such point requires consideration but since the plaintiff has surrendered himself to the jurisdiction of appellate authority of the department available to him at the relevant time under the Regulations, it would be appellate authority which is supposed to give its finding specially on this defence taken by the plaintiff that there was no necessity or requirement under the advertisement to submit bachelor degree i.e. BSc at the relevant time though he concedes that he presented a mark sheet of second year BSc wherein he failed. Learned counsel for defendant No.1 during course of his arguments has also conceded that the remedy for the plaintiff is by way of appeal in terms of the Regulations prevailing at the relevant time.

With the above understanding and as not opposed, the suit is disposed of with directions that the appeal of the plaintiff, as presented on 09.09.2019 and is still pending, be heard and decided strictly in accordance with law, especially considering the aforesaid defence whether the said degree was essential for the service that was applied for at the time when the advertisement was made in the year 1989 and

if not its effect after taking into account ratio of order dated 23.02.2021 in C.P No.D-5878 of 2019. Further whether any order of defendant No.1 that concerns the promotion of the plaintiff, if any, is based on that degree of B.Sc. The appellate authority is expected to hear plaintiff and give decision strictly in accordance with law and considering the above defence as well however the appellate authority is at liberty to engage/ consider any other ground which is required under the circumstances. It is expected that the appellate authority shall hear and decide the appeal expeditiously, preferably in three months' time after service of notice.

Suit along with pending application stands disposed of in the above terms.

Judge