ORDER SHEET <u>IN THE HIGH COURT OF SINDH AT KARACHI</u> CR. REV. APPLICATION NO.20/2016

Date	Order with signature of Judge

- 1. For hearing of office objection
- 2. For hearing of main case
- 3. For hearing of MA No.1541/2016.

<u>09.03.2022</u>

Mr. Abdul Haleem Siddiqui advocate for applicant. Syed Shahid Mushtaq advocate for complainant. Mr. Talib Ali Memon, APG.

.....

Applicants who were employees of UBL have been arraigned by the respondent, on certain criminal charges. Respondent was terminated and after investigation in FIR No.12/2010 he was sent up for trial. However after full-fledged trial he was acquitted on the benefit of doubt, thereafter he preferred complaint against higher officers of United Bank Limited on the plea that they caused defamation.

Learned counsel for complainant refers the complaintwherein it is claimed that provisions of section 499 PPC are attracted.He has referred paragraph No.13 of the complaint which is that :-

"That the complainant having claim against respondents for defamation, mental agony, illegal termination of service from UBL, severe hardship due to illegal and false criminal proceedings and financial crises due to illegal stoppage of salary, with intention to cause harm to the reputation, may be please take appropriate legal action against them as per law."

3. Admittedly respondent failed to challenge his termination order hence his termination attained finality. Under these circumstances, an employee cannot be allowed to file criminal

charge against superiors without assailing that order, on the plea that since he was terminated from service, thereby superior officers are liable for penal action whereas learned counsel failed to demonstrate that inquiry proceedings were of colorful exercise and he suffered mental agony. Accordingly, impugned order is set aside. Proceedings of the trial court are quashed.

JUDGE

IK