

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. NO.D-1783 of 2021

Date	Order with signature of Judge
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1. For orders on Misc. No.7507/21
2. For orders on office objection No.15
3. For orders on Misc. No.7508/21
4. For orders on Misc. No.7509/21
5. For hearing of main case

Dated: 11.03.2021

Mr. M. Ali Lakhani for petitioner.

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- 1) Granted.
- 2) Let office objections be complied in a week's time.
- 3) Granted subject to all just exceptions.

4&5) Learned counsel for petitioner submits that no sooner status of the service of the petitioner declared as essential service under the relevant Act, the federal government is required to frame rules for governing the services of the employees, including petitioner. However, such rules have not been framed and the respondents taking shelter of Regulations 1985, which are not applicable have issued dismissal letter dated 19.02.2021 against the petitioner. Learned counsel submits that respondents have misapplied the law i.e. Regulations 1985 instead of asking federal government to frame rules in this regard and hence, per learned counsel, petitioner has been deprived of her fundamental rights as she has been terminated without any proper inquiry or framing of rules which may govern her services.

Learned counsel for the petitioner for interim relief has relied upon the case of Government of Pakistan v. M.I. Cheema reported in 1992 SCMR 1852 wherein in case of a proper and fit case, the injunction

in the nature of mandatory injunction can be granted. Learned counsel has further relied upon the case of Karachi Electric Supply Corporation v. National Industrial Relations Commissioner reported in PLD 1982 SC 125 wherein it has been held that in cases where services have been made as essential services, framing of rules by federal government becomes inevitable.

In view of above circumstances, we have been prima facie persuaded that instead of approaching the authority concerned and/or proper forum for availing the remedy, the petitioner could approach this Court. Let notices in this regard be issued to respondents as well as DAG for 24.03.2021. Insofar as interim relief is concerned, once the notices are served, appropriate orders shall then be passed.

Judge

Judge