

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI
Constitutional Petition No. D- 343 of 2021

Date	Order with Signature of Judge(s)
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1. For order on office objections No.18, 26 and 27.
2. For hearing of CMA No.1378/2021 (Stay).
3. For hearing of main case.

04.5.2021

Mr. Irfan Aziz, advocate for the petitioner.
Mr. Ali Safdar Depar, AAG.
Mr. Iqbal Khurram, advocate for KMC.

The instant petition has been filed on the ground that certain allegations were raised against the petitioner and he was not only suspended from the service but was also relieved. As per learned counsel, this is an illegal action on the part of the respondents which needs to be whittled down. The counsel appearing for the department, however, on the other hand stated that there were serious allegations against the petitioner that is why he was firstly relieved from the post as Assistant Director, Landhi Cattle Colony and thereafter he was suspended from the service. However, learned counsel appearing for the department could not satisfy the Court that, under which provision of the law during suspension period the salary of the petitioner, which is his living, could be stopped.

We have heard both the learned counsel at considerable length and have perused the record. We are of the view that if there are certain allegations upon the petitioner, those could be thrashed out during his suspension period, but his legally due salary could not be stopped. We, therefore, under the circumstances, direct the respondents to proceed with the suspension proceedings and probe into the allegations levelled against the petitioner in accordance with law and decide the same preferably within a period of three (03) months' time from the date of receipt of this order. However, during the suspension period of the petitioner, his legally due salary would not be stopped and would be paid strictly in accordance with law. With these directions, the instant petition along with the listed application stands disposed of.

JUDGE

JUDGE