ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-4739 of 2021.

Date Order with signature of Judge

- 1. For orders on Misc. No. 19417 of 2021 (U/A).
- 2. For orders on office objections No. 12 & 18.
- 3. For orders on Misc. No. 19418 of 2021 (Ex/A).
- 4. For orders on Misc. No. 19419 of 2021 (Stay/Appln).
- 5. For hearing of main case.

09th August 2021

Mr. Zakir Hussain Khaskheli, petitioner in person.

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Heard and perused record.

The petitioner has prayed that: -

- a) To direct the respondent No.2 to 6 to comply with the orders passed by Hon'ble Supreme Court of Pakistan reported in 2014 SCMR 1189, C.P. No. D-3572/2020, C.P. No. D-4434/2020 and C.P. No. D-5842/2020 and follow the notification issued by the respondent No.2 and 3 and circulated by respondent No.4 vide notification dated 25.5.2021 and immediately set aside / withdrawn the appointment of respondent No.7 vide notification dated 21.5.2021 and immediately make the appointment of eligible person against the lying vacant non cadre post of Addl. Director General / Member from the available eligible employees in Malir Development Authority and non-compliance of the orders deliberately intentionally and disowned notification issued by respondent No.2 to 5 may be imposed contempt of Court proceedings against them.
- b) To suspend / set aside the notification dated 21.5.2021 by declare void ab-initio of respondent No.7 which has appointed upon the deputation from the Secretariat Group Officer (BS-19) upon the post of (BS-20) in Malir Development Authority.
- c) To direct the respondent No.2 to 6 and 8 to save the precious land of Malir Development Authority by restraining the respondent No.7 to not consolidate / adjustment / exchange / transfer of schemes land i.e. 64, 34 and 330 Acres which is planned and balloted land of MDA to the private persons and reform the forge opinion upon the Hon'ble Supreme Court judgment by putting forge signatures and misuse letter head of petitioner by refer the matter to the National Accountability Bureau or

to Federal Investigation Agency and Anti-Corruption Establishment Sindh, for proper inquiry and investigation.

- d) To direct the respondent No.1 and 2 to provide the legal protection for the safety life and property of the petitioner with directions to the Director General Pakistan Rangers Sindh as well as through Inspector General of Police Sindh by deploying the police and rangers guards to the petitioner.
- e) To restrain the respondent No.2 to 5 to not appoint or posted on deputation any employee from the Government of Sindh or from the local bodies employees Government of Sindh in the Malir Development Authority and also not to transfer for the posting on deputation employees of MDA in any other Department of local bodies, Government of Sindh as well as in the departments of Government of Sindh till the final disposal of instant matter.

Petitioner is counsel and he has filed petition on the plea that he was panel counsel of MDA and authorities have committed illegalities by taking benefit of his opinion letters with misrepresentation and there are illegal postings within the department. Prima facie, the reliefs, sought are of general application in nature and even include those reliefs, which can't be obtained by invoking constitutional jurisdiction of this Court i.e relating to service affair(s). Even otherwise, the documents annexed; plea taken by the counsel, if are examined by keeping the relief(s) in juxta-position, makes the instant petition as involving number of factual controversies, which cannot be undertaken in writ petition. Besides, matter pertains to conflict of interest and counsel legally cannot sue his client with the information provided by the department or any illegality (not crime) is seen by the counsel during the period he was in employment having access to record, as is assured by Article-9 of Qanun-e-Shahadat Order, 1984. Needless to add that such obligation continues even after an end to such employment, therefore, this matter pertains to conflict of interest. Accordingly, instant petition is dismissed alongwith listed applications.

JUDGE