

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP. No. D- 2275 of 2022

Date Order with Signature(s) of Judge(s)

For order as to maintainability

29.04.2022

Petitioner present in person
Mr. Hussain Bohra, Assistant Attorney General

Ms. Nasima Mangrio, advocate files power on behalf of respondent 4, which is taken on record.

Petitioner is present in person has raised his voice of concern about his untimely termination from service and submitted that he was appointed as Marine Engineer (BPS-18) on three years contract in Karachi Port Trust vide appointment letter dated 28.1.2021; and, all of sudden and in a haphazard manner, his service was dispensed with on the purported ground of unsatisfactory performance, with stigma being a troublemaker for the department. As per petitioner, the purported allegations are false and fabricated just to get rid of him from the respondent KPT. Petitioner further submitted that he is performing his duties properly, honestly, and diligently with the Port Department of the respondent Establishment since 01.02.2021, however, due to the professional grudge of one of the senior officer, when he took over the acting charge of the Harbour Port, he became bias on the ground of caste and creed, thus he was discriminated. He further submitted that the charges leveled against him are serious and needed a thorough probe, however, they avoided probing the allegations, and without resorting to Article 10A of the Constitution he has been made the victim of circumstances. Thus, the entire exercise undertaken by the respondent KPT is without lawful authority and justification. Petitioner has submitted that though he is a contract employee, however, he has a fundamental right to be heard on the allegations leveled against him as such the impugned termination from service order dated 07.4.2022 is illegal, unlawful and ultra-vires to the Article 10A of the Constitution, thus liable to be annulled. He prayed for suspension of the impugned order.

On the contrary, learned counsel representing respondents 2 to 4 has filed preliminary legal objections and raised the question of maintainability of the instant petition on the premise that the petitioner has no locus standi to call in question the vires of the impugned order as he is a troublemaker for the department and abused to the colleagues thus his services were rightly terminated in terms of his contract. She prayed for the dismissal of the instant petition.

To consider whether the service of the petitioner which was on a contract basis for three years with effect from 01.02.2021 could be dispensed with within the shortest period on the purported allegations; and, whether the allegations could have been inquired into or his service could be dispensed with simpliciter without holding the regular inquiry into the

allegations, let respondent No.1 file comments on or before the next date of hearing. The learned DAG is also directed to assist this Court on the subject issue on the next date of hearing. Meanwhile, the operation of the impugned order dated 08.4.2022 (page 21) shall remain suspended.

To come up **after three weeks.**

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