

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.1856 of 2018

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of CMA No.14003/18.

06.03.2019.

Mr. Mujtaba Sohail Raja, Advocate for Plaintiff.

Mr. Abdul Haleem Siddiqui, Advocate for Defendant.

Office has wrongly mentioned the name of Ms. Mahmooda Suleman on the file cover as well as the cause list as on the last date of hearing she had only filed Vakalatnama on behalf of Mr. Abdul Haleem Siddiqui. Office to act accordingly.

This is a Suit for declaration and injunction; whereas, through listed application, the plaintiff has sought interim relief as to the proceedings initiated by PIA pursuant to Show Cause Notice in respect of the allegation that educational documents of the plaintiff are not verified and were allegedly forged. On 08.10.2018 an interim order was passed, operative part thereof reads as under:-

“Issue notice to the Defendants for 24.10.2018 by all modes except publication. In the meantime, the inquiry proceeding may continue but the verification of academic qualification should be done through the management of Defendants and as per the afore referred Regulations of Defendants, the Plaintiff would have a chance to cross-examine the witness including the concerned Officer of the Educational Institution, who has sent the verification Report. The inquiry proceeding be conducted in view of the directions and by strictly adhering to the services Rules.”

While obtaining such order, it was *inter-alia* contended on behalf of the Plaintiff that pursuant to Employees (Service & Discipline) Regulations of PIA no Advocate can appear in departmental proceedings, which is against the law, whereas, such proceedings must follow the provisions of Qanoon-e-Shahadat Order 1984, including right of cross examination. Though ordinarily, it may be a good and valid

ground; however, it is an admitted position that the Hon'ble Supreme Court has taken up these matters of fake educational qualifications of the employees of PIA in *Suo Muto* proceedings, through Human Rights Case No.8645 of 2018, wherein, various orders have been passed and certain directions have been given to PIA. On 24.12.2018 the following order was passed;

The CEO of PIA, Air Marshal Arshad Malik is in attendance and states that out of 73 cases regarding bogus degrees of the pilots and cabin crew, 10 cases have been finalized and action has been taken against the delinquents, whereas stay orders have been obtained prohibiting final action against he accused. Having heard the CEO PIA we direct that the proceedings in the 63 cases be finalized independently by CAA/PIA within a period of 10 days from today irrespective of any stay order obtained by any party from any Court in Pakistan, after which the issue of pendency of cases throughout Pakistan shall be considered by this Court and appropriate orders may be passed.

Thereafter another order has been passed on 9.1.2019 which reads as under;

We have been apprised by Ms. Amna Warsi, Legal Advisor of Civil Aviation Authority (CAA) that the degrees of 16 pilots of all the Airlines have been found to be fake on account of which their licenses have been suspended. Besides, the degrees of 64 members of the cabin crew have also been found to be fake and action has been taken against which they have a right of appeal. Moreover, there are 6 more degrees which require verification from abroad. Be that as it may, substantial work in this matter has been accomplished. In light of the above, we do not wish to keep this matter pending which is accordingly disposed of. Verification of the remaining degrees should be conducted at the earliest after which appropriate action should be taken in accordance with law.

In these circumstances, it is not appropriate for this Court to interfere in the proceedings initiated by PIA pursuant to certain directions of the Hon'ble Supreme Court. Accordingly, while dismissing the listed application, PIA is directed to proceed and act strictly in accordance with the direction as given by the Hon'ble Supreme Court from time to time on the subject issue.

J U D G E