

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.2040 of 2018

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For Orders on CMA No.15334/18 (If granted)
2. For Orders on CMA No.15335/18 (U/O 39 Rule 1 & 2 CPC)

29.10.2018.

Mr. Muhammad Ali Lakhani a/w Mr. Ishrat Alvi and Mujtaba Sohail Raja, Advocates for Plaintiff.

1. Granted.
2. This is a Suit for Declaration and Injunction. Learned Counsel for the Plaintiff submits that the Plaintiff was employed in Defendant Organization as a cadet Pilot on 23.04.1989, vide Personal Order No.059/April/1989 and thereafter confirmed in service on 15.10.1989 vide Personal Order No.062/Oct/1989 (Pg:91). Learned Counsel submits that presently after 30 years in service he is working as Captain on Boeing B-777 in PIA. He further submits that earlier on 10.11.2016 an exercise of verification of documents was conducted by HR Department and the same was completed without any objection in favour of the Plaintiff. However, on 07.08.2018, once again a Letter of verification of documents has been issued by the Officiating Deputy General Manager HR and according to such Letter, the Defendant is now demanding IBCC Equivalence Certificate of Intermediate. Learned Counsel submits that at the relevant time as per his instructions, the requirement was Matriculation/"O" Level and never any objection was raised in this regard but now through this letter, IBCC Equivalence Certificate of Intermediate is being demanded. He submits that a detailed Representation has been made to the Department (Chief Flying Operations), wherein, the stance of the Plaintiff is that firstly all particular as well disclosure(s) were made at the time of appointment; whereas, the competent authority is also empowered to afford waiver wherever required. Learned Counsel submits that till such time Representation is decided by the concerned competent authority, no adverse orders be passed as Plaintiff apprehends that he will be grounded and relieved from flying duties, which will cause serious prejudice to the Plaintiff.

Let notice be issued to the Defendants for 19.11.2018. Till the next date of hearing, no coercive action be taken against the Plaintiff till Representation of the Plaintiff available at page 145 & 147 is finally decided by the Department.

J U D G E

Ayaz P.S.