

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-7232 of 2021

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Date

Order with signature of Judge

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Fresh Case:

1. For order on Misc. No.31676/2021 (Urgent/App)
2. For order on office objection No.18 & 19.
3. For order on Misc. No.31677/2021 (Exemption/App)
4. For order on Misc. No.31678/2021 (Stay/App)
5. For order on Misc. No.31679/2021 (App: U/S 151 CPC)
6. For hearing of main case.

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14.12.2021

Syed Ansar Hussain Zaidi, Advocate for the petitioner.

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1. Urgency granted.

2-6. Through this petition, the petitioner seeks that the disciplinary action taken against him may be declared as null and void and his dismissal order dated 07.10.1984 may be cancelled /withdrawn.

The record reveals that previously a petition bearing C.P. No.D-3815 of 2019 was filed by the petitioner, which petition was disposed of with directions to the concerned Ministry to dispose of the appeal of the petitioner, if not decided so far, after considering the facts as narrated in the application /appeal. Thereafter the matter was heard on 06.10.2021 by giving personal hearing to the petitioner and then his contention was turned down. The counsel states that the said order is not in accordance with law.

The counsel has been heard and record has been perused.

The record clearly reveals that personal hearing was given to the petitioner and in the personal hearing the petitioner admitted the fact that after expiry of five years' allowed period of deputation he did not return /resume his duties and remained abroad till 1995 i.e. till the date of his attaining the superannuation. In view of the explicit admission on the part of the petitioner, while his matter was heard, it is evident that due to his continuous absence and non-returning on the duty the department initiated disciplinary proceedings

against him and then he was terminated from service and this order, in our view, could not be considered to be either null or void order, as the same, in our view, is based upon the facts duly admitted by the petitioner at the time of hearing of his matter. We, therefore, find no justification to interfere in the admitted matter and facts and find this petition not maintainable and dismiss the same in limine along with the listed applications.

JUDGE

JUDGE