

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Muhammad Junaid Ghaffar, J.
Agha Faisal, J.

C P D 6773 of 2019 : Muhammad Amjad Ansari vs.
Province of Sindh & Others

For the Petitioner : Mr. Muhammad Aqil Zaidi, Advocate

For the Respondent : Mr. Abdul Jalil Zubaidi
Assistant Advocate General Sindh

Mr. Fayaz Ali Metlo, Advocate
Mr. Athar Hussain, Advocate
Mr. Barkat Ali Metlo, Advocate

Date/s of hearing : 30.11.2022

Date of announcement : 30.11.2022

ORDER

Agha Faisal, J. The petitioner has challenged an *admittedly* appealable order dated 02.10.2019 (“Impugned Order”) rendered by the Sindh Employees’ Social Security Institution (“SESSI”) whereby the petitioner was removed from service for the reason that his educational credentials were found to be forged, upon verification conducted pursuant to orders of this High Court in another petition.

2. Per petitioner’s counsel, while the Impugned Order was appealable and in respect thereof no appeal had been preferred, however, it was incumbent upon this court to enter into another verification exercise¹ and consequently quash the Impugned Order and reinstate the petitioner into service with back benefits. The respondent’s counsel submitted that the petitioner was removed from service at the conclusion of comprehensive disciplinary proceedings and the verification of the educational credentials had already been undertaken conclusively in the manner as aforesaid. It was concluded that in the presence of an appellate forum available² no interference was warranted in the exercise of writ jurisdiction of this Court.

3. Heard and perused. The respective counsel admit that the Impugned Order was appealable, however, the right of appeal was abjured by the

¹ CMA 27763 of 2021.

² Reference was made to Regulation 20 of the SESSI (Revised) Service Regulations 2006.

petitioner. Under such circumstances no case for invocation of the writ jurisdiction stood made out before us.

4. Even otherwise, the removal of service of the petitioner was actuated at the conclusion of disciplinary proceedings and in respect thereof no cavil has been articulated before us by the petitioner's counsel. It is also apparent that the educational credentials of the petitioner were found to be forged even upon verification ordered by this Court in earlier proceedings. Under such circumstances there is no case made out to repeat the exercise *ad nauseam*. Finally, the petitioner's counsel seeks to agitate questions of fact, requiring detailed inquiry, evidence etc. Such proceedings are not amenable per the writ jurisdiction of this Court.

5. In view hereof, we find this petition to be misconceived, hence, the same, along with pending application/s, was dismissed vide our short order announced in Court at the conclusion of the hearing earlier today. These are the reasons for our short order.

JUDGE

JUDGE