

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C. P. NO. D-2106 / 2020

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Date Order with signature of Judge

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Present: *Mr. Justice Muhammad Junaid Ghaffar*  
*Mr. Justice Agha Faisal*

**Petitioner:** Syed Muhammad Raza,  
Through Mr. Jafer Raza, Advocate

**Respondents:** Federation of Pakistan & Another.  
Through Mr. Syed Yasir Shah,  
Assistant Attorney General.  
  
Mr. Bashir Ahmed Advocate for  
Respondent No. 2.

- 1) For hearing of CMA No. 10051/2020.
- 2) For hearing of main case.

**Date of hearing:** 03.10.2022  
**Date of Order:** 03.10.2022

**ORDER**

**Muhammad Junaid Ghaffar, J:** Through this Petition, the Petitioner has primarily impugned order of his removal from service communicated on 25.03.2020, in addition to other ancillary relief(s), all dependent, if at all his order of removal from service is set-aside. At the very outset, upon submissions of the Petitioners Counsel, we have confronted as to whether any departmental remedy was available in law, and despite conceding, he submits that such alternate remedy was of no avail and the Petition is otherwise competent inasmuch as the Respondents have acted malafidely; without jurisdiction, and lastly the competent authority under the Karachi Port Trust Act, 1886, is the Chairman, whereas, the entire exercise against the Petitioner had been initiated at his behest, therefore, the Petitioner was not required to avail such alternate remedy.

We have heard the Petitioner's Counsel on maintainability of this Petition and have perused the record including the KPT Act and the K.P.T. Officers and Servants (Efficiency & Discipline) Rules ("Rules"). In terms of Rule 8 and 9 ibid forum of appeal is admittedly available, whereas, in terms of Section 23 of the KPT Act, though the Chairman is the competent authority to hear and decide the appeal insofar as the petitioner is concerned; however, merely, for the fact that Petitioner has pleaded malafides and the issue of jurisdiction as well as his apprehension that Chairman K.P.T. has initiated the very proceedings against the Petitioner, we are not convinced with the argument that this alone entitles the Petitioner to bypass the alternate remedy and approach this Court directly under our Constitutional jurisdiction. In our considered view all such please can always be raised before the Appellate forum who has to decide the Appeal in accordance with law; but the petitioner on mere apprehension cannot be permitted to circumvent and leave aside the statutory remedy provided under the service Rules of his employer.

In view of hereinabove facts and circumstances of this case, since an alternate remedy of Appeal has been provided under the Rules / Act, whereas, the Petitioner has directly approached this court without availing such remedy, this Petition does not appear to be competent and therefore, by means of a short order in the earlier part of the day the same was dismissed as not maintainable and these are the reasons thereof.

**J U D G E**

**J U D G E**

Arshad/