

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP D 2459 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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For order as to maintainability of petition

04.05.2023

Mr. Muhammad Sajjad Abbasi, advocate for the petitioner

Mr. Ali Safdar Depar, Assistant Advocate General

Vide letter dated 08.04.2021 (“Impugned Letter”), the petitioner was found to be a fake employee, however, an opportunity was provided thereto to demonstrate genuineness of engagement before the concerned forum. The present petition was preferred more than a year later seeking for the Impugned Letter to be set aside. The matter has been pending ever since for the petitioner’s counsel to satisfy on maintainability.

At the very onset the petitioner’s counsel was asked to address the Court on the issue of maintainability, *inter alia*, as to how the factual determination of genuineness could be undertaken in writ jurisdiction and also with regard to the issue of *laches*. The learned counsel remained unable to satisfy the Court on either count.

The comments filed by the respondents demonstrate that the petitioner’s purported appointment was fake and managed, hence, the Impugned Letter. No rejoinder, addressing such a factual aspect, was ever filed by the petitioner and even otherwise this matter is fraught with factual controversy, not amenable for adjudication in writ jurisdiction¹.

Petitioner’s counsel also remained unable to articulate any cogent justification as to why the petition was preferred more than a year post issuance of the Impugned Letter, hence, failed to displace the bar of *laches*.

In view hereof, this petition is found to be *prima facie* misconceived, hence, the same is hereby dismissed.

J U D G E

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¹ 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.