

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. **D – 1295** of 2024

Date	Order with signature of Judge
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Priority

1. For hearing of Misc. No. 6051 of 2024.
2. For hearing of Main Case.

01.04.2024:

Mr. Abdul Sattar Pirzada, advocate for the petitioner.

Mr. Khaleeq Ahmed, D. A. G.

Mr. S. Hakim Masood, FID, DRAP.

Learned DAG submits that the appeal of the petitioner has been heard by the Board and there is likelihood that the decision will be communicated to the petitioner shortly.

Learned counsel for the petitioner, in view of such statement, submits that instant petition can be disposed of in similar terms as already passed by a Divisional Bench of this Court vide order dated 14.06.2021 in C.P.No.D-3243/2021 [*Re: The Searle Company Limited v. Federation of Pakistan through its Secretary, Ministry of Health Services, Regulations and Coordination & others*], copy of which has been placed on record and the same has also supplied to the learned DAG, who submits that respondents do not intend to take any action, unless the decision is communicated to the petitioner and will act strictly in accordance with law.

We have heard the learned counsel for the petitioner as well as the learned DAG and perused the record as well as the order passed by a Divisional Bench of this Court as referred to hereinabove, which reads as follows:-

“ Learned counsel for the petitioner submits that after passing of an order dated 27.05.2021, the appeal of the petitioner has been heard by the Appellate Board of DRAP, whereas, the order is still awaited. He submits that despite this the DRAP authorities are still writing the letters and intend to take coercive action. He submits that in identical facts, earlier order dated 16.05.2019 has been

passed by this Court in C.P.No.D-3218 of 2019 and other connected matters, whereby, the petitions were disposed of with certain directions to the DRAP authorities, the relevant paragraphs of the said order reads as under:

4. *Since it is categorically stated by the representative of the DRAP that appeals have been heard and decision is expected within ten days, therefore, we are of the view that till decision of the pending appeals, the DRAP authorities should stay their hands from taking any coercive action, otherwise, the whole purpose of the appeal would become infructuous.*

5. *Learned DAG is also of the view that till final orders passed by the Appellate Board which have already been heard no coercive action should have been taken by the DRAP against the petitioners.*

6. *As a result above discussion, the above petitioner are disposed of on the statement of the FID that within ten (10) days the appeals of the petitioners shall be decided and order communicated to the petitioners. Till decision of the appeal no coercive action shall be taken by the DRAP against the petitioners.*

7. *These petitions and pending applications are hereby disposed of. Office is directed to place copy of this order in connected petitions.*

In view of the above, this petition is also disposed of along with listed application with directions to the DRAP not to take any coercive measures till final decision of the pending appeal(s).

The petition stands disposed of in the above terms.”

We see no impediment, if the instant petition may also be disposed in the above terms, which is accordingly disposed of in the above terms alongwith listed application.

CHIEF JUSTICE

JUDGE

A.S.