

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

HCA No.48 of 2024
(M/s. Sui Southern Gas Company Ltd. & another
v. Rubina Shaheen & another)

Date	Order with signature of Judge
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Present: **Muhammad Shafi Siddiqui, and**
Ms. Sana Akram Minhas, JJ.

1. For orders on office objection
2. For hearing of main case
3. For hearing of CMA No.255/2024 (Stay)

29.5.2024

Mr. Ghazi Khan Khalil, Advocate for Appellants a/w
M/s. Abdul Hakeem Junejo and Syed Kamal, Advocates
Mr. Ali Asadullah Bullo, Advocate for Respondent No.1

Muhammad Shafi Siddiqui, J: In a Suit for declaration, permanent injunction and damages filed by Respondent No.1 an application bearing CMA No.8261/2023 was filed which was heard and decided by way of an impugned order.

2. Heard learned Counsel for the parties and perused the material available on record.

3. In brief, for the purposes of deciding this Appeal, the facts are that the Respondent No.1 was dismissed from service seemingly after an inquiry with respect to her educational transcripts. The accusation against the Respondent No.1 was of submitting forged and fabricated Matriculation Certificate which includes her age and father's name etc. It is Appellant's case that a full-fledged inquiry was conducted and the Respondent No.1 participated in it, hence it could hardly be presumed that she was condemned unheard. She was found guilty and consequently dismissed from service.

4. It appears that the inquiry report, as available and attached with the pleadings of the parties, has skipped the attention for a deeper appreciation when a mandatory injunction was passed whereby the dismissal order of the Respondent No.1 was suspended and that the Respondent No.1 was reinstated back in service. As we understood this, during the pendency of the Suit, is a mandatory injunction and amounts to decreeing the Suit, which could not have been passed specially in the light of the inquiry report available wherein she is shown to have participated and hence require deeper appreciation. We, therefore, deem it appropriate to set aside the impugned order and remand it back to the learned Single Judge to decide the application strictly in accordance with law in the light of the pleadings, law and material available on record.

5. With this understanding the Appeal is disposed of along with all pending applications, if any.

JUDGE

JUDGE

Shakeel, PS.