

HIGH COURT OF SINDH, KARACHI

C.P.No. D-4063 of 2015

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Date: Order with signature of Judge

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For orders as to maintainability

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14.11.2019

Mr. Muhammad Iqbal Chaudhry for petitioner

Mr. Nishat Warsi DAG

Mr. Abdul Salam Memon for respondent

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Mr. Abdul Salam learned Counsel for the respondent has raised objection regarding maintainability of this petition on the touch stone that the respondent No.2 has no statutory rules of service hence this petition on the strength of the judgments reported in 2013 SCMR 1707 and 2017 SCMR 571 is not maintainable.

Learned Counsel for the petitioner concedes on law that insofar as the principle laid by the Hon'ble Supreme Court is concerned to maintain this petition since the State Bank of Pakistan do not enjoy the statutory rules of service. He submits that the petitioner claimed to have been discriminated in the sense that increments granted to other employees have not been allowed to him. This could hardly be covered by the principle laid down by the Hon'ble Supreme Court where only two windows were left open; (i) that where the principle of natural justice is violated and (ii) where the violation of fundamental rights was occasioned. In none of the two principles, the case of the petitioner falls hence the petition cannot be maintained. Moreover the respondent has no statutory rules of service, the petition is therefore, dismissed. The petitioner is however at liberty to avail his remedy in accordance with law.

Judge

Judge