

HIGH COURT OF SINDH, KARACHI
C.P. No. D-6175 of 2019

Date: Order with signature of Judge

1. For orders on MA No.27415/19
2. For orders on office objection
3. For orders on MA No.27416/19
4. For hearing of main case

01.10.2019

Mr. S. Nasir Hussain for petitioner
.X.X.X.X.

1. Urgency application granted.

2 to 4: Petitioner claims to be an employee of respondent No.3 however he was offered Golden Handshake which he availed. Subsequently he was reappointed in April, 1997 and his contract was then terminated on 16.7.1997. He claims to have moved several applications in the year 1997 onwards but all in vain. Consequently, on receiving knowledge that two of the employees who obtained Golden Handshake were reinstated by the respondent No.3, he also moved an application before the concerned department, which was not adhered. He then filed an application before the Provincial Ombudsman (Mohtasib-e-Aala Sindh) who was pleased to grant the application of the petitioner on the facts and circumstances mentioned therein. However, on an appeal preferred by the respondent No.3, the worthy Governor of Sindh was pleased to set aside the order of Mohtasib-e-Aala Sindh.

Be that as it may, on a query as to which fundamental right of the petitioner has been violated, no satisfactory reply is given. The petitioner's claim of reemployment could not be materialized in terms of Golden Handshake. There is no discrimination either which claimed to have been exercised by the respondents. Once the petitioner availed the option of Golden Handshake he cannot ask for reinstatement or reemployment. It would be the prerogative of the department, if they so desire to reappoint any one or some of them, in case it is required by them purely in accordance with law which cannot be a precedent to follow. Such reappointment as a matter of right cannot be claimed by the petitioner. The petition, as such, has no substance and the same is dismissed along with pending applications.

Judge

Judge