

IN THE HIGH COURT OF SINDH AT KARACHI

SUIT NO.1466/2015

PRESENT: MR. JUSTICE SALAHUDDIN PANHWAR

Plaintiff : Syed Raqim Abbas,
through Moulvi Iqbal Haider, advocate.

Defendants : Manager, PCP Press Karachi and others,
through Mr. Ali Asadullah Bullo, advocate.

Date of hearing : 06.11.2015.

Date of announcement : 11.11.2015.

ORDER

Through CMA No.14005/2015 plaintiff seeks suspension of impugned letter with reference No.Admin6(15)/2015/730 dated 03.10.2015 with the subject as compulsory retirement from service, on the plea that same is in gross violation of order dated 30.09.2015, as well as PCP Employees Rules 1977. Whereas through CMA No.14006/2015 plaintiff demands contempt proceedings against contemnors No.1 and 2 with regard to violation of order dated 30.09.2015.

2. At the outset, it would be conducive to reproduce the above referred order which is the bone of contentions:-

“Both the learned counsel agree that before deciding the issue of misconduct the plaintiff shall be given hearing and he shall not be condemned unheard and only after detailed hearing the competent authority shall pass final order strictly in accordance with law.

Suit in view of the above stands disposed of along with pending applications.”

3. Heard, perused the record.

4. Precisely relevant facts are that plaintiff challenged show cause notice issued by defendants by filing instant suit, same was disposed of by above order. Record reflects that in compliance of order dated 30.09.2015 proceedings were initiated by the department against the plaintiff and thereafter he was compulsorily retired from service. Since instant suit was disposed of wherein plaintiff had assailed the impugned notice, accordingly by way of miscellaneous application in a disposed of matter, any order passed by defendants on any ground pursuant to the order dated 30.09.2015, can not be suspended. In case the plaintiff is aggrieved with that order, he is competent to challenge the same in independent proceedings if so advised.

5. With regard to contempt application, the defendants through statement have submitted material documents showing that proper opportunity was provided to the plaintiff. As no injunctive order was in the field therefore instant application is devoid of merits, same is dismissed. However the plaintiff would be competent to seek his remedy if there is any violation of the Rules with regard to enquiry and proceedings initiated against him.

6. In view of above, both applications listed are dismissed.

Imran/PA

J U D G E