

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P No.D-3570 of 2024

Date	Order with signature of the Judge
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Fresh Case

1. For Order on CMA No. 18792 of 2024 (U/A)
2. For Order on Office Objection No. 6,11,21 & 27
3. For Order on CMA No. 15622 of 2024 (Ex/App)
4. For hearing of main case.

09.09.2024

Petitioner in person

Through this writ petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as "**the Constitution**"), the Petitioner has assailed the Order dated 30.8.2004, whereby on completion of disciplinary proceedings against him, the competent authority has passed the Order for imposition on him the major penalty of "Removal from Service" with immediate effect in terms of Section 3(1) of Removal from Service (Special Powers) Ordinance, 2000 r/w Rule 4(1)(b)(iii) of the Government Servants (Efficiency & Discipline) Rules, 1973. According to him, against the above Order dated 30.8.2004, he has moved an appeal dated 03.01.2023 before the Chairman Special Committee on Affected Employees, but neither any legal action has been taken nor proper response has been given to the Petitioner. Hence, he filed the instant Petition.

2. Heard Petitioner in person and have perused the record, including contents of the Petition. Article 212 of the Constitution provides exclusive jurisdiction to Administrative Courts and Tribunals in matters relating to the terms and conditions of persons in the service of Pakistan, including disciplinary matters. The jurisdiction of the High Court is barred in such matters, and any petition filed in the High Court challenging the disciplinary action taken against a government servant is not maintainable. In the present case, the Petitioner has challenged the Order of Removal from Service, which falls within the exclusive jurisdiction of the Administrative Tribunal. Therefore, the Petition is barred under Article 212 of the Constitution.

3. Notwithstanding, the laches is a legal doctrine that bars a claim when there is an unreasonable delay in pursuing it, and such delay prejudices the other party. In the present case, the Petitioner has filed the instant Petition after more than 20 years from the date of the impugned Order dated

30.8.2004. The Petitioner has not provided satisfactory explanations for this inordinate delay of over two decades. Therefore, this Petition is also hit by laches and is liable to be dismissed on this ground.

4. In that view of the matter, this writ Petition is **dismissed** as without having any merit in **limine**.

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