

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1872 of 2024

(Rahib Ali Bhabhan v. Province of Sindh & others)

Present:

Mr. Zulfiqar Ahmad Khan, J.

Mr. Khadim Hussain Tunio, J.

Date of hearing : **12.11.2024**

Date of decision : **12.11.2024**

Mr. Qurban Ali Malano, Advocate for petitioner.

ORDER

Zulfiqar Ahmad Khan, J. – Through this petition, the petitioner, claiming to be a Junior Employee and Union Leader at Bibi Fatima (RAT) Maternity Home, PAQSJIMS, Gambat, has prayed for the following reliefs:

- a) *Set aside the impugned inquiry report as it was conducted in a mala fide and ex-parte manner, lacking fair procedural standards.*
- b) *Direct the Respondents to conduct a fresh, impartial, and comprehensive inquiry led by honest and neutral officers where the statements of the Petitioner and Dr. Firdous are formally recorded.*
- c) *Restrain the Respondents from taking any adverse action against the Petitioner based on the impugned inquiry report till the final disposal of the instant petition.*
- d) *Grant any other relief deemed just and appropriate by this Honourable Court.*

2. The petitioner's case is that on 04.10.2024, Dr. Razia Bahadur Khero, Head of the Obstetrics and Gynecology Department, submitted a complaint against him that prompted the formation of an Inquiry Committee by respondent No.2 on 08.10.2024. The Inquiry Committee, chaired by respondent No.3, conducted an inquiry into the matter. The petitioner

alleges that the inquiry was conducted in a mala fide and ex parte manner, without affording him a proper opportunity to present his case or to have his statement formally recorded. Additionally, the statement of Dr. Firdous, the primary individual involved, was not recorded, which constitutes a failure of procedural fairness. It is further alleged by the petitioner that the findings of the Inquiry Committee, particularly the sexual harassment allegations, are false and baseless. The petitioner claims that no such incident was ever reported by Dr. Firdous. To support this, the petitioner has annexed an affidavit of Dr. Firdous, who denies any misconduct by the petitioner, which lady is not even arrayed as a party in the instant Constitutional Petition.

3. A perusal of the Inquiry Report reveals that the Inquiry Committee based its preliminary findings on the statements from the Gynecology Department at Bibi Fatima (RAT) Maternity Home, PAQSJIMS, Gambat, Hospital Administration, including Director Dr. Rahim Bux Bhatti, audio-visual records and verbal interviews with staff across various cadres and levels. The Inquiry Committee concluded that verbal interviews with nearly all female medical staff revealed allegations of an unprofessional and improper relationship between the petitioner and Dr. Firdous, especially, their meetings in the Gynecology Ward were said to have created an unfriendly work environment, which allegedly amounted to sexual harassment for other female staff members. Additionally, the Inquiry Committee claims that the petitioner has led multiple strikes within the institution for personal and unjustified demands, and that these actions have contributed to a disruptive work environment. The report also highlights the unjustified promotion of the petitioner to the position of Computer Operator (BS-16), stating that the petitioner does not meet the essential qualification for this role i.e. a computer-related degree and lacks the necessary computer skills. Based on these findings, the Inquiry

Committee recommended that disciplinary action be taken against the petitioner, if deemed appropriate by the competent authority.

4. The petitioner has attempted to circumvent the procedural fairness of the inquiry by obtaining an affidavit from Dr. Firdous, a person who, though cited in the complaint, as stated above, is neither a petitioner nor a respondent in this Constitutional Petition. The affidavit, while attached as evidence, holds no legal significance in the context of the present proceedings. This is because the allegations raised in the inquiry pertain to both the petitioner and Dr. Firdous, and the petitioner's reliance on her affidavit as a means to strengthen his defense is misplaced.

5. The inquiry report, which forms the crux of the respondents' case, has been thoroughly substantiated by credible sources, including audio-visual evidence from the Gynecology Department, which corroborates the findings. Interviews with the medical and administrative staff, including verbal statements from nearly all female staff members, which have indicated the creation of a hostile work environment allegedly linked to the conduct of the petitioner and Dr. Firdous. These accounts provide direct evidence of an unprofessional and improper relationship that allegedly led to an atmosphere of sexual harassment and disruption within the institution.

6. The allegations against the petitioner have been thoroughly examined by the Inquiry Committee, and it is evident that the findings are not based on hearsay but on firsthand accounts and concrete evidence gathered from various credible sources. The Inquiry Committee's conclusions are well-supported by these testimonies, and it was well within its authority to recommend disciplinary action, should the competent authority deem it appropriate.

7. The petitioner's attempt to complete the trial himself through an affidavit that seeks to discredit the inquiry report is clearly an effort to

interfere with the fair and impartial examination of the allegations against him. This action demonstrates a lack of respect for the proper legal process and the principles of natural justice. The petitioner is attempting to preemptively invalidate the inquiry by presenting a self-serving statement that is not only irrelevant but also legally insufficient to counter the established facts and evidence in the inquiry report.

8. The submission of the affidavit from Dr. Firdous does not alter the substantial evidence presented by the Inquiry Committee. The report, based on a comprehensive investigation, includes testimony from a range of staff members, audio-visual records and interviews that collectively corroborate the allegations of misconduct. Therefore, the affidavit of a single individual, who is not even a party to this petition, cannot reasonably be expected to outweigh the full and proper inquiry carried out by the Inquiry Committee.

9. In light of the above, this petition along with pending applications is **dismissed in limine**, as it is without merit and lacks sufficient legal or factual grounds. The petitioner's reliance on extraneous evidence, such as the affidavit of Dr. Firdous, does not undermine the validity of the inquiry report. The allegations against the petitioner have been adequately addressed, and there is no reason to interfere with the findings of the competent Inquiry Committee. Let the process initiated against the petitioner be completed as per procedure and a final outcome be communicated to this Court via Additional Registrar preferably within 60 days.

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