

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
H.C.A. No.404 of 2023

Date	Order With Signature Of Judge
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1.For hg of main case
2.For hg of CMA No.5078/23

27.02.2025.

Mr. Khalid Jawed Khan, advocate for appellant.
Malik Naeem Iqbal, advocate for respondent No. 1.
Mr. Gulfaraz Khattak, Assistant Attorney General.

Learned counsel for appellant has filed a statement dated 18.11.2024. Para. 3 and 4 thereof are reproduced herein:

“3. The inquiry proceedings were concluded by the Enquiry Committee vide Report dated 21.08.2024 after providing full opportunity to the Respondent No. 1. There is no adverse recommendation against the Respondent No. 1 as per the Enquiry Report. Copy of the enquiry report is supplied to the Respondent. On 07.09.2024, the Appellant reached age of superannuation from service. Letter dated 27.08.2024 by the Company regarding his superannuation is attached.

4. That it is humbly submitted that in view of the Report of the Enquiry Committee, the impugned order passed in the suit may be set aside and the Board of Directors may be allowed to conclude the disciplinary proceedings against the Respondent No. 1. As the Respondent No. 1 has also reached the age of superannuation, he can collect all his dues as are admissible under the Regulations of the Company as communicated vide letter dated 27.08.2024.”

Learned counsel for appellant submits that this appeal may be disposed of in the light of aforesaid paragraphs.

Learned counsel for respondent No. 1 has also filed a statement dated 04.12.2024 in rebuttal and submits that the benefits being offered by appellant to him are less than the benefits he deserves. Since he has retired, therefore, he is entitled to all such benefits, which are being denied to him.

Be that as it may, this appeal has been filed against the interim order, whereby injunction application under Order 39 Rules 1 & 2 CPC was allowed. The suit is still pending before the learned single Judge, wherein the rights of the parties including the right to retirement benefits, agitated by the appellant in the statement, are to be adjudicated upon. Therefore, we do not see any impediment in disposing of the appeal in the terms of the statement filed by learned counsel for appellant, not the least when the inquiry has been completed and nothing adverse against respondent No. 1 has been found in it. Therefore, appellant is allowed to finalize and take the proceedings of inquiry to its logical conclusion. We, however, dispose of this appeal in the above terms. Respondent No. 1 would be at liberty to raise any pleadings/make any additional prayer in the suit for seeking his rights, if any, subject to all just exceptions.

The appeal is accordingly disposed of in above terms along with pending application.

JUDGE

JUDGE

HANIF