

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 936 of 2021

[Muhammad Tahir v. Federation of Pakistan & others]

BEFORE:

MR. JUSTICE ADNAN-UL-KARIM MEMON

MR. JUSTICE RIAZAT ALI SAHAR

Petitioner: Through, Mr. Sagheer Ali Solangi, Advocate

Ms. Shamim Mughal, Assistant Attorney General

Date of hearing:

& Decision:

25.11.2025

ORDER

ADNAN-UL-KARIM MEMON, J. - Through instant Constitutional Petition, the Petitioner has prayed as under:-

- a. This Honourable Court may be pleased to grant a stay directing to respondents to restore the services of the petitioner till the disposal of this petition.
- b. This Honourable court may be pleased to declare the termination letter dated 25.05.2021 as illegal, unlawful, void ab initio, and not sustainable in the eyes of law.
- c. To direct respondents Nos 2 to 4 to restore the services of the petitioner to his previous position with all back service benefits, as he was terminated from services without giving chance, opportunity, and chance of hearing:
- d. To direct respondents Nos 2 to 4 to restore the services of the petitioner as an interim relief with the issuance of the monthly salary;

2. The case of the Petitioner is that he was appointed on 29.10.2019 as Senior Branch Manager at Telenor Microfinance Limited, Tando Allahyar, on three-month probation. After confirmation on 12.3.2020, he was transferred as Area Manager to Telenor Microfinance Bank, Tando Muhammad Khan. During COVID-19 pandemic, loan installments were rescheduled as per bank directives, requiring customer forms with verified signatures. He submitted that he instructed the Deputy Branch Manager to reject applications with discrepancies. On 6.7.2020, the petitioner was transferred to the Regional Office Hyderabad. Despite clarifying his role via email and a meeting with respondent No.9, he was terminated on 25.05.2021 without any prior show-cause notice or hearing. He sought reinstatement but was denied, prompting this petition. He prayed to allow the petition.

3. Respondents submitted that the petition is not maintainable under Article 199 of the Constitution, as Telenor Microfinance Bank is a private company governed by the Companies Act, 2017, and employment disputes in a master-servant relationship do not fall under constitutional jurisdiction. They submitted that the petitioner failed to follow Covid-related rescheduling procedures and was seen on CCTV facilitating a subordinate in forgery of customer signatures. He was provided personal hearing but could not justify his actions. They prayed for dismissal of the petition.

4. The instant petition revolves around the termination of the petitioner from Telenor Microfinance Bank on 25.05.2021, who claims that he was terminated without notice or an opportunity to be heard and seeks reinstatement along with back benefits. The petitioner contends that he was merely performing his duties during the COVID-19 loan rescheduling exercise and that any alleged discrepancies were not attributable to him. The respondents, on the other hand, contend that the petitioner was seen on CCTV assisting a subordinate in affixing false thumb impressions on loan rescheduling forms, which constituted a serious violation of the bank's code of conduct. They further submit that the petitioner was given a personal hearing and failed to offer reasonable explanation. Importantly, Telenor Microfinance Bank is a private company, incorporated under the Companies Act, 2017, and licensed by the State Bank of Pakistan. As such, the employment relationship is governed by the principle of master and servant, and disputes of this nature are not amenable to constitutional jurisdiction under Article 199 of the Constitution.

5. The Supreme Court in *Pakistan Olympic Association v. Government of Pakistan* (2019 SCMR 221) also clarified that a private body performing non-sovereign functions, even if partially funded by the government, does not constitute a "person" under Article 199(5) of the constitution, and its internal employment decisions cannot be challenged before the High Court under constitutional jurisdiction.

6. In light of the foregoing, the petitioner's claim for reinstatement or back benefits cannot be entertained under Article 199 of the Constitution, as the matter pertains solely to a contractual dispute with a private employer. Accordingly, without expressing any opinion on the merits, the petition is dismissed, leaving the petitioner at liberty to seek remedy available to him, if any, before the appropriate forum in accordance with law.

JUDGE

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