

ORDER SHEET  
HIGH COURT OF SINDH AT KARACHI

**C.P. No.D-3888 OF 2016**

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DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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**Present**

**Mr. Justice Muhammad Ali Mazhar**

**Mr. Justice Abdul Ghani Soomro**

Dr.Abdul Aziz

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Petitioner

V E R S U S

Chief Minister Sindh & others .....

Respondents

Date of hearing 23.08.2016.

Mr.Inayatullah, Advocate for the Petitioner.

Mr.Abdul Jabbar Qureshi, A.A.G.

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**Muhammad Ali Mazhar,J** The petitioner has approached this court for quashment of the show cause notice and recalling of his suspension order. The suspension order is available at page-33 of the court file, which was issued on 19.4.2016 by the Chief Secretary, Sindh, however, it is mentioned in the order that the petitioner shall draw pay and allowances during the period of his suspension, as admissible under the rules. The show cause notice is also attached , which was issued on 25.4.2016, by the Chief Minister, Sindh under Section 3 of the Removal from Service (Special Powers) Sindh, Ordinance, 2000 with the following allegation:-

“The Commissioner, Karachi has reported that your performance during last 02, rounds of polio campaign was found un-satisfactory and was not up to the mark.”

The above charge was allegedly found misconduct and according to Show Cause sufficient documentary evidence was available on record. In the Show Cause, the enquiry has been dispensed with and the petitioner was called upon to show cause within 14 days of receipt of this notice as to why action should not be taken

against him under the said Ordinance, failing which ex-parte decision will be taken. The learned Division Bench of this court on 30.6.2016 ordered that the respondents may continue to disciplinary proceedings against the petitioner but no final order shall be passed without permission of this court.

In our view, admittedly this petition is barred under Article 212 of the Constitution, 1973 as appropriate remedy available to the petitioner is to approach Service Tribunal after passing the final order. At the same time, we are also sanguine that suspension period cannot be continued for an unlimited period of time; so also, the enquiry if any should not be kept pending but it should have been concluded within reasonable time, so that the fate of delinquent may be decided. Whether the performance of the petitioner in the polio campaign was found satisfactory or unsatisfactory it requires proper enquiry. Learned AAG submits that this petition may be disposed of with some directions to respondents to conclude the enquiry, if any in a transparent manner with ample opportunity of hearing to the petitioner, so that the matter may be placed before the competent authority. Learned counsel for the petitioner is satisfied, however, he requests that some time frame may be fixed to expedite the process of enquiry. The petition is disposed of with the directions to the respondents to conclude the enquiry proceedings if any within 02 months in a fair and transparent manner as the petitioner's counsel claims that this is a victimization on account of some political activities, which is to be seen by competent authority. Pending application is also disposed of.

Judge

Judge