

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P.No.D-3369/2014**

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Date                      Order with signature of Judge

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**Present**

**Mr. Justice Muhammad Ali Mazhar**

**Mr. Justice Abdul Ghani Soomro**

Muhammad Owais.....Petitioner

V E R S U S

The Secretary Ministry of Law & others.....Respondents

**Date of hearing: 07.09.2016**

Syed Dilshad Husain Shah, Advocate a/w Petitioner.  
Mr. Abdul Jalil Zubedi, A.A.G.

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**Muhammad Ali Mazhar, J:** The case of the petitioner is that he applied for the post of Naib Qasid in the District Court, Karachi, East against some newly created posts and after complying with all requisite formalities and Medical Fitness Certificate, he was issued appointment letter/order dated 02.06.2014 by the then District & Sessions Judge, Karachi, East. He has also attached his Joining Report dated 06.06.2014, which was accepted by the learned District & Sessions Judge, Karachi, East.

2. The grievance of the petitioner is that after sometime his appointment letter/order was recalled. On notice, the learned District & Sessions Judge, Karachi, East filed his comments on 06.08.2014 in which it is stated that the petitioner filed application for his appointment and another incumbent with similar name and parentage also applied for the same post and in interview the latter was found eligible, therefore, appointment letter for his appointment was issued on 02.06.2014. It is further alleged that the petitioner is the Court Clerk of an advocate who after going

through the list of incumbents pasted on the notice board fraudulently obtained true copy of his appointment letter after joining the duty by the original incumbent and when the petitioner submitted his joining report, he was not allowed for the reason that the actual appointee had already joined his duties. The learned District & Sessions Judge, Karachi, East also attached copy of application of another candidate but he initialled his name as "Awais s/o Muhammad Hanif" while the petitioner writes his name as "Muhammad Owais s/o Muhammad Hanif" and the same name is mentioned on the appointment letter as well as in the Medical Fitness Certificate with the photograph of the petitioner who is also present in Court. This factual controversy cannot be decided by this Court in the constitutional jurisdiction. The documents available on record either filed by the petitioner or placed on record by the then learned District & Sessions Judge, Karachi, East require proper inquiry so as to reach just and proper conclusion.

3. As a result of above discussion, we direct the learned District & Sessions Judge, Karachi, East to conduct fair and impartial inquiry in the matter and pass necessary orders after providing ample opportunity of hearing to the petitioner as well as the person who has been appointed on the same position. The report shall be submitted through MIT-II within two months. The petition is disposed of alongwith the pending application.

Judge

Judge

Asif