

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P. No.D-1222 of 2016

Date	Order with signature of Judge
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Present

**Mr. Justice Muhammad Ali Mazhar
Mr. Justice Abdul Ghani Soomro**

Muneer Ahmed and others Petitioners

V E R S U S

Province of Sindh and others Respondents

Date of hearing 07.09.2016

M/s. Malik Naeem Iqbal and Faizan Memon, Advocates for
Petitioners.

Mr. Abdul Jaleel Zubedi, A.A.G.

Muhammad Ali Mazhar, J: Through this petition, the petitioners have challenged their joint termination order dated 11.2.2016 which was issued with reference to C.P No.D-287/2013. The case of the Petitioners is that they were performing duties on daily wages, subsequently they were regularized. The services of the Petitioners No.1 and 2 were regularized in BPS-14 while the Petitioner No.3 was regularized in BPS-1 with effect from 07.5.2013. Learned counsel for the Petitioners argued that no such direction was issued by this Court in C.P No.D-287/2013 for terminating the services of the Petitioners or some other employees. He further argued that before issuing termination letter neither any show cause notice was issued nor any opportunity of personal hearing was afforded to the Petitioners. Notice of this petitioner was issued to the Respondents on 02.3.2016 for the next date i.e 09.3.2016. Till today no comments have been filed by the Respondents and the learned A.A.G still requests for further time which is unjustified.

2. We have seen the Order passed by the Division Bench of this Court in C.P No.D-287/2013 on 23.01.2013 which shows that while issuing notice to the Respondents as well as A.A.G, the same Respondents were restrained from making any fresh appointment till next date of hearing.

3. We are of the firm view that without proper application of mind, the Respondents have issued termination letter of the Petitioners making reliance on the order passed by this Court in C.P No.D-287/2013, which had nothing to do with the termination of the services or regularization but confined to fresh appointment. Even otherwise, if the department was of the view that regularization might have tantamount to violation of the Court order, they could have withheld the process of regularization but there was no justification to terminate the services which is otherwise beyond the scope of order. It is also reflecting from the order that before taking this drastic action against the Petitioners, no opportunity of hearing was given to them nor any show cause notice was issued.

4. As a result of our discussion, termination order dated 11.02.2016 is set aside, the Petitioners are reinstated in service with back benefits on the same terms and conditions. However, if the Respondent No.3 has any reservation on the performance of any individual petitioner, they may take up the matter in accordance with law. The petition is disposed of alongwith pending application.

Copy of this order may be transmitted to learned A.A.G.

JUDGE

JUDGE