

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P. No.D- 2403 of 2013**

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<b>Date</b>	<b>Order with signature of Judge</b>
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**Present**

**Mr. Justice Muhammad Ali Mazhar**

**Mr. Justice Abdul Ghani Soomro**

Dr. Syed Muhammad Farooq ..... Petitioner

V E R S U S

Ministry of Overseas Pakistanis,  
& others ..... Respondents

**Date of hearing 21.09.2016**

M/s. Malik Naeem Iqbal and Malik Altaf Javed advocates for the petitioner.

Shaikh Liaqat Hussain Standing Counsel.

Syed Kabil Shah, Assistant Chief Law, Ministry of Overseas Pakistanis and Human Resources Development.

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**Muhammad Ali Mazhar, J:** The brief facts of the case are that the petitioner is holding the post of District Officer Environment, C.D.G.K, Karachi (K.M.C). The Establishment Division, Cabinet Secretariat, Government of Pakistan is responsible to circulate in all government departments for opting Community Welfare Attache. The petitioner was nominated by his parent department and selected for the post of Community Welfare Attache in Pakistani Mission in foreign countries and he was posted as Community Welfare Attache for Consulate General Pakistan, Milan (Italy) on the terms and conditions incorporated in the letter dated 20.10.2010. Since there were some issues against the appointment of the

petitioner in the Consulate General Milan his nomination was withdrawn. The petitioner is basically aggrieved against the order dated 19.04.2013 available at page 83 of the court file issued by the Section Officer, Ministry of Overseas, whereby, on the instructions of the competent authority i.e. Prime Minister of Pakistan, the nomination of the petitioner was recalled and he was directed to report Head Quarter, Ministry of Overseas Pakistanis, Islamabad immediately. After this letter, the allegation of the Respondent is that instead of joining them, the petitioner reported to his parent department. Now, the petitioner has challenged this letter and requests for declaration that the letter dated 19.04.2013 was issued without lawful authority through which the tenure of the petitioner was curtailed. The petitioner has prayed that he may be allowed to complete his tenure as Community Welfare Attache. In addition thereto, he has also prayed for directions to pay due amount to him on account of some entertainment allowance as per prevailing Rules and Regulations.

2. Syed Kabil Shah, Assistant Chief Law, Ministry of Overseas Pakistanis and Human Resources Development, Islamabad is present along with learned Standing Counsel. He argued that the nomination was recalled on the directives of the Prime Minister and after recalling the order, the petitioner failed to report to the Ministry of Overseas but joined his parent department. At this stage, learned counsel for the petitioner submits that petitioner time and again tried to report but he was not taken on the duty. In response, the

representative of Ministry of Overseas Pakistanis stated that petitioner may approach to the Overseas Department.

3. Since learned counsel submits that the nomination was recalled without issuing any explanation letter or conducting any inquiry into the allegation against the petitioner, therefore, he requests that directions may be issued to the Secretary, Ministry of Overseas Pakistanis and Human Resources Development, Islamabad to provide an opportunity of hearing to the petitioner and, thereafter, decide the fate of incomplete tenure of the petitioner.

4. In the constitutional jurisdiction we cannot decide suitability of Community Welfare Attache but it is for the relevant department and the government to decide the same who is most suitable person for the above post, therefore, this petition is disposed of with the directions to the Secretary, Ministry of Overseas Pakistanis and Human Resources Development, Islamabad to allow an opportunity of hearing to the petitioner and decide the fate of incomplete tenure as well as payment of his monetary dues if any. This order may be complied with within a period of two (02) months. The petitioner shall be issued proper notice of date of personal hearing in writing before the Secretary.

JUDGE

Aadil Arab

JUDGE