

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-3470 of 2014

Date _____ Order with signature(s) of Judge(s) _____

Present:

Muhammad Ali Mazhar, J.
Abdul Maalik Gaddi, J.

For hearing of Main Case.

20.10.2016.

Mr. Ali Asadullah Bullo Advocate for the Petitioner
Mr. Ghulam Hyder Shaikh Advocate for Respondent No.2 & 3.
Mr. Shaikh Liaquat Hussain Standing Counsel.
Ali Jan, Deputy Director, Intelligence Bureau.

Muhammad Ali Mazhar, J. – The petitioner has challenged the dismissal order dated 30.05.2014 issued by respondent No.3. The case of the petitioner is that earlier he was performing his duty as Daily Wages Worker as Junior Account Clerk (BS-11), thereafter, on 12.10.2011, he was issued office order and his services were regularized on the recommendation and instructions of Cabinet Sub-Committee. After regularization to the post of Junior Account Clerk (BS-11), the respondent issued Nomination Circular in the month of May, 2012 for employees of accounts section, who had no qualification in accounting field. The petitioner was nominated and communicated a letter for verification of Matric Certificate. The main reason for dismissal of the petitioner is the allegations against him that for the purposes of appointment or at the time of his appointment, he produced tampered Matric Certificate. Subsequently, he claims to have been passed Matriculation examination in General Group.

2. The respondent with their comments have produced pass Certificate issued by the Board of Intermediate & Secondary

Education, Larkana, which shows that the petitioner has passed examination in Science Group. While the petitioner with same Roll Number produced Marks sheet showing General Group. In order to resolve this anomaly, we also issued notice to the Board of Intermediate & Secondary Education, Larkana and on their behalf, Syed Ashfaq Ali Shah, Secrecy Officer appeared and also filed gazette result to show that the petitioner passed his Matriculation examination in General Group ('C' Grade). When we confronted this situation to learned counsel for the respondent as to whether any inquiry was conducted before issuing dismissal order of the petitioner, he fairly conceded no inquiry was conducted, however, Show Cause Notice was issued. It is further stated by the learned counsel that at the time of allowing present situation by the petitioner, there was only requirement to have the qualification of Matriculation but not in Science Group or not in General Group. Since it has come on record that the petitioner has passed his Matriculation in General Group but there is some allegations against him to produce tampered Matric Certificate, therefore, in the interest of justice, some inquiry should have been conducted, which has not been done in this case.

3. As result of above discussion, the impugned dismissal order dated 30.05.2014 is set-aside. However, respondents No.2 and 3 are well within their rights to conduct inquiry, if any, within a period of two months. The amount of back benefit, if any, shall be subject to outcome of the inquiry.

JUDGE

JUDGE