

**ORDER SHEET
HIGH COURT OF SINDH AT KARACHI**

C.P.No.D-333 of 2014

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

Present:

**Mr. Justice Muhammad Ali Mazhar
Mr. Justice Adnan-ul-Karim Memon**

Muhammad Zeeshan Iftikhar.....Petitioner

Versus

Pakistan C.A.A. & others.....Respondents

13-12-2016

Qazi Inamullah, Advocate for the Petitioner.

Mr.Muhammad Sohail Hayat Khan, Advocate for the Respondents.

Shaikh Liaquat Hussain, Standing Counsel

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MUHAMMAD ALI MAZHAR---J., The petitioner was issued Show Cause Notice on the ground that certificate issued by Board of Technical Education was found forged which amounts misconduct under the Civil Aviation Authority Service Regulations 2000. The petition submitted the reply of the Show Cause Notice and finally he was removed from service vide letter dated 12-11-2013.

2. Learned counsel for the petitioner pointed out that after removal of the petitioner, an Appeal/Representation was filed on 10-12-2013 which is pending. The learned counsel for the respondent argued that after fulfilling the

requisite formalities and providing right of personal hearing the action was taken against the petitioner on the basis of verification obtained from the concerned institution regarding the veracity of the Educational Testimonials. So far as the Appeal is concerned, he submitted that the Regulations are non-statutory. The hon'ble Supreme Court in its latest judgment reported in **2016 S.C.M.R 2146 (Muhammad Rafi and Another Vs. Federation of Pakistan & others)** held as under:-

“8. We, therefore, are of the considered view that issue in hand is fully covered by para-50 of the judgment referred to hereinabove, which provides that an aggrieved person can invoke the constitutional jurisdiction of the High Court against a public authority if he satisfies that the act of the authority is violative of the service Regulations even if they are non-statutory.”

3. As a result of above discussion the petition is disposed of with the directions to the respondent No.2 to decide the pending Appeal of the petitioner within one month after providing him ample opportunity of the hearing.

Judge

Judge

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