

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

C.P.No.D-332 of 2014

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

Present:

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

**Shakeel Ahmed.....Vs.....Pakistan C.A.A. &
others**

13-12-2016

Qazi Inamullah, Advocate for the Petitioner.
Mr.Sanaullah Noor Ghouri, 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 19-08-2013 on the ground that his certificate of Board of Intermediate was found forged which amounts to misconduct under Civil Aviation Authority Service Regulations 2000. After submitting the reply and personal hearing, the petitioner was awarded major penalty of removal from service vide letter dated 12-11-2013. During course of argument the learned counsel for the petitioner pointed out that on 10.12.2013 appeal / representation was filed but the same is still pending. The Civil Aviation Service Regulations, 2000, Chapter VI pertains to Appeals and Petitions and under Regulation 6.02, an employee is entitled to file an Appeal to the Appellate Authority against an order imposing upon him a penalty within thirty days of the receipt of

the order and in Regulation 6.01 hierarchy of Appellate Authority has been defined.

2. Mr. Sanaullah Noor Ghouri, learned counsel for the Civil Aviation Authority argued that before imposing major penalty the certificate was sent for verification and after due process the petitioner was provided personal hearing and thereafter he was removed from service. 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