

# **IN THE HIGH COURT OF SINDH, AT KARACHI**

Present: Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Adnan-ul-Karim Memon

## **C.P No.D-324 of 2016**

Syed Ali Haider Shah.....Petitioner

Versus

Federation of Pakistan and others.....Respondents

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**Date of hearing: 15.05.2017 and 25.05.2017**

Mr. Mansoor-ul-Haq Solangi &  
Mr. Imtiaz Mansoor Solangi, Advocates for the Petitioner.  
Mr. Asadullah Sheikh, Advocate for Respondent No. 2 and 3.  
Mr. Muhammad Aslam Butt, DAG.

## **J U D G M E N T**

**ADNAN-UL-KARIM MEMON,J:-**Through the instant Petition, the Petitioner has impugned Order dated 29.09.2015 vide which he was dismissed from service, and prays for re-instatement in service with all consequential relief and back benefits.

2. Brief facts of the case are that the Petitioner was appointed as Assistant Manager on ad hoc basis for three months in the State Life Insurance Corporation of Pakistan (hereinafter referred to as SLIC) vide Appointment Letter dated 02.07.1990. Petitioner claims that he was promoted as Deputy Manager with effect from 28.6.2002 and was given good performance certificate for the year 2006-2007. Petitioner was transferred from IA&C Department Larkana Zone to Zonal Accountant Larkana Zone vide office Order No. P&GS/PO/084/2010 dated 6.4.2010. Petitioner alleged that on 8.5.2012, he informed Mr. Rasheed Ahmed Shaikh, Assistant Manager (Incharge Cash Counter Larkana) about

shortage of cash at Cash Counter, Larkana. The Manager was appointed Enquiry Officer for holding preliminary inquiry who vide Letter dated 13.9.2012 asked the Petitioner to provide necessary information of his Bank Account for the purpose of inquiry. Petitioner states that on 19.09.2013 he was issued Charge Sheet along with statement of allegations stipulating, commission of acts of misappropriation, embezzlement of funds of SLIC with further allegations of violation of Regulation No. 30 (1) (a) (b) (c) (d) (e) of State Life Employees (Service) Regulations, 1973. According to Respondent Corporation this was misconduct on the part of Petitioner and was detrimental to the interest of corporation. Subsequently, on 08.07.2014 Petitioner was issued final Show Cause Notice which disclosed that Petitioner is found guilty in terms of Regulation No. 30 (2) of State Life Employees (Service) Regulations, 1973 with further directions to explain his position as to why one or more of the penalties as prescribed in Regulation No. 30(1) (g) State Life Employees (Service) Regulations, 1973 should not be imposed upon him? Petitioner claims to have replied the said final Show Cause Notice. The competent authority of SLIC vide Letter dated 29.08.2014 appointed officials of SLIC as Enquiry Officer with directions to initiate disciplinary proceedings against three employees of SLIC on the allegations of irregularities in F&A and EHS Department of Larkana. The petitioner was dismissed from service vide Order dated 29.9.2015. Petitioner claims to have filed departmental Representation against the said impugned Order which was dismissed by the competent authority of SLIC vide order dated 9.9.2016. Thereafter, on 13.1.2016 Petitioner filed the instant petition.

3. Mr. Mansoor-ul-Haq Solangi, learned counsel for the Petitioner contended that the Petitioner is condemned unheard while awarding major penalty of dismissal from service. He next contended that the Respondents have violated rules and regulations of SLIC while imposing major penalty of dismissal. He next contended that impugned Order dated 29.09.2015 is passed without lawful authority and there is no provision for conducting the inquiry proceedings. He added that the Petitioner himself informed the management of Respondent Corporation about irregularities and embezzlement of funds etc. He next added that the impugned order is approved by Executive Director of the Corporation, thus it is illegal and unlawful. He next contended that the Petitioner was not allowed to rebut the charges through cogent evidence as no personal hearing was provided to him. He next contended that in the case of misappropriation and embezzlement several other officers were involved who are saved but the Petitioner is victimized by dismissing him from service.

4. Mr. Asadullah Sheikh learned counsel for Respondent No. 2 and 3 has argued that the instant petition is not maintainable because it involves factual controversy which requires evidence. He next contended that the Petitioner was found involved in fraudulently crediting Rs. 700,000/- collected at Jacobabad Cash Collection Center in his account during the period i.e. 2008 to 2012. Per learned counsel the said act of fraud on the part of the Petitioner is against the standard operating system of F&A Division / Corporation and is punishable under the State Life Employees (Service Regulations 1973). He next contended that the Petitioner

was found negligent in performing his duties because being the then Zonal Accountant he did not keep a close watch to ensure that the Rules and Regulations are followed in letter and spirit and further failed to reconcile the bank statement on daily/monthly basis. Resultantly, SLIC sustained loss of Rs.2,427,571/- during the period i.e. 2008 to 2012. He next contended that inquiry was conducted and petitioner was found involved into the charges leveled against him. Therefore, he was issued Charge Sheet, Final Show Cause Notice and finally dismissal Order dated 29.09.2015. He next contended that the Petitioner filed departmental Appeal against the dismissal Order and the same was upheld vide Order dated 09.09.2016.

5. Mr. Muhammad Aslam Butt, learned DAG representing Respondent No.1 supported the contention of Respondent No.2 and 3.

6. We have heard learned counsel for the parties and perused the material available on record.

7. We have noted that the Enquiry Officer found the Petitioner involved in misappropriation/embezzlement of SLIC funds in Larkana Zone to the tune of Rs.7,00,000, by crediting amount so collected fraudulently in his personal account. That during the year 2010 - 2012 an amount of Rs.3,843,661/- was detected short but neither Petitioner reported the matter to the competent authority of Respondent-Corporation, nor he took any step to curb the embezzlement. And thus, accordingly, the Petitioner was found guilty of misappropriation/embezzlement of corporation funds.

8. We have also noted that Petitioner was given full opportunity to rebut the allegations and was also confronted with the relevant record but he failed to discharge his burden and was found negligent and inefficient under Regulation No. 30(1) (2) of State Life Employees (Service) Regulations, 1973. The allegations against the Petitioner were established by recording evidence and in the light of such evidence the proper findings were given by Respondent-Corporation.

9. We do not see any violation of law, rules and regulations in the proceedings of Enquiry conducted by the Respondent-Corporation against the Petitioner as asserted by the Petitioner. Record reflects that there is no motive or malice on the part of Respondent-Corporation to falsely implicate the Petitioner in the scam of fraud.

10. In the light of above facts and circumstances of the case, we conclude that there is no illegality, infirmity or material irregularity in the Enquiry Report and the impugned Order dated 29.9.2015 passed by the Respondent-Corporation. Consequently, the instant Petition is dismissed along with listed application.

11. Foregoing are the reasons for our short order dated 25.5.2017.

Karachi  
Dated: 01.07.2017

JUDGE

JUDGE