

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

C.P.No.D-6389 of 2017

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

Before:-

Mr.Justice Muhammad Ali Mazhar

Mr.Justice Agha Faisal

Mehfooz-un-Nabi Khan.....Petitioner

Versus

The Province of Sindh

& others.....Respondents

For hearing of Main case.

16-01-2019

Syed Attaullah Shah, Advocate for the Petitioner.

Petitioner is also present.

Mr.Jawad Dero, A.A.G.

Mr.Asfandyar Jehangir and Mr.Yousuf Khan Sherwani, Advocates
for Respondent Nos.3 and 4. (Pakistan Red Crescent Society)

Mr.Kanwar Waseem, Provincial Secretary, Pakistan Red Crescent
Society.

Muhammad Ali Mazhar, J: The petitioner is aggrieved from termination of his Membership of Pakistan Red Crescent Society, Sindh vide letter dated 24.11.2014, which was issued by one of the Members on behalf of Chairperson and Members of the Managing Committee of Pakistan Red Crescent Society, Sindh.

2. Learned counsel for the petitioner argued that on 4.7.2014 a show cause notice was issued to the petitioner for the alleged violation of code of conduct, copy of show cause notice is available at page-49 of the court file. The petitioner was called upon to explain with regard to some information given by him to the Daily Dawn and also through different E-mails conveying some allegations, which were published in different newspapers. It was further stated that serious allegations were leveled by the petitioner with mala-fide intention to damage the image of the society which act amounts to the violation of the code of conduct of the society signed by him as Member of the Managing Committee.

3. Learned counsel for the petitioner further pointed out page-51, which is a letter dated 22.7.2014 communicated by the petitioner to the Authority in which the petitioner requested for some documents for preparing his reply, but Mr.Kanwar Waseem, Provincial Secretary, Pakistan Red Crescent Society submits that no reply was submitted by the petitioner. On the contrary the petitioner said that he requested for some documents which were never supplied, therefore, the reply could not be furnished and in the meanwhile, he received a letter of termination of his membership. It is also an admitted fact that the petitioner was not allowed opportunity of personal hearing, but the decision of Executive Committee which was allegedly approved by the Managing Committee was communicated to the petitioner.

4. In the present situation, we feel that mere issuance of show cause notice does not justify the termination of basic membership unless right of audience/opportunity of personal hearing was provided to the petitioner, which is also enshrined in the Constitution as a fundamental right under Article 10-A. Even otherwise, the age old principle of natural justice should not to be ignored that nobody should be condemned unheard.

5. After arguing at some length, learned counsel for the Pakistan Red Crescent Society, Sindh and Mr.Kanwar Waseem, Provincial Secretary, Pakistan Red Crescent Society, Sindh agreed that the petitioner shall be afforded right of personal hearing before Managing Committee to which learned counsel for the petitioner has agreed, however, he requests that documents requested by the petitioner vide his letter dated 22.7.2014 may be provided to him, so that he may prepare his reply and submit to the Authority before allowing right of audience. Mr.Kanwar Waseem, Provincial Secretary, Pakistan Red Crescent Society, Sindh undertakes that copies of relevant news clipping, e-mails if any, and copy of code of conduct along with copy of minutes of meeting dated 26.5.2014 will be provided to the petitioner through courier service within 07 working days, thereafter, the petitioner may submit his reply within 15 days through courier service to the office of Mr.Kanwar Waseem, Provincial Secretary, Pakistan Red Crescent Society, Sindh. After receiving the reply Mr.Kanwar Waseem, Provincial Secretary, Pakistan Red Crescent Society, Sindh shall arrange

meeting of Managing Committee within next 02 months. Mr.Kanwar Waseem, Provincial Secretary, Pakistan Red Crescent Society, Sindh shall also communicate the date to the petitioner for hearing before the Managing Committee in writing through courier service and telephone. He further undertakes that the petitioner shall be given ample opportunity of hearing before the Managing Committee to defend his case. The Managing Committee shall pass necessary orders after hearing the petitioner. The fate of termination letter will be subject to the outcome of Managing Committee decision.

The petition is disposed of.

Judge

Judge

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