

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D – 4316 of 2020

Date	Order with signature of Judge
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Fresh Case :

1. For order on Misc. No.18160/2020 (U/A)
2. For order on office objection No.12 & 18
3. For order on Misc. No.18161/2020 (Ex/A)
4. For order on Misc. No.18162/2020 (Stay)
5. For hearing of main case

14.09.2020 :

Mr. Ayaz Ahmed, advocate for the petitioner.

1. Urgency granted.

2-5. Petitioner has impugned the suspension order dated 05.06.2020 (page 105) issued by the former Mayor Karachi, whose office is now being looked after by the present respondent No.3, whereby he was placed under suspension on the ground alleged therein. He has also impugned notice dated 05.06.2020 (page 109) issued by respondent No.6 and Chairman Academic Council, College of Dentistry, KMDC, wherein it is stated that an inquiry against him had been conducted and has been completed, whereafter charge sheet has been issued to him. Through the aforesaid impugned notice, he was called upon to submit his reply within three (03) days. It is contended that the impugned action, on the face of it, is malafide as the impugned notice has been issued after suspending the petitioner. It is further contended that the charge sheet, referred to in the impugned notice, has never been issued to or served upon the petitioner. It is also contended that the impugned suspension order and notice are *coram non judice*. It has been pointed out that as the reply to the above notice was not being received by the respondents, it was sent by the petitioner through courier service. However, his said reply has not yet been acknowledged nor has he been called for hearing. As the matter has not yet been concluded by the respondents, the petitioner will be at liberty to raise objection(s) with regard to the jurisdiction / authority of the respondents to hold the impugned inquiry and/or to pass any order in pursuance thereof. In such an event, respondents shall first decide his objection(s) before proceeding further. Needless to say proper opportunity of hearing shall be afforded to the petitioner and the matter shall be conducted strictly in accordance with law. Let notice be issued to the respondents as well as to learned Advocate General Sindh for compliance.

The petition and listed applications stand disposed of in the above terms with no order as to costs.

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