

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D – 4327 of 2020

Date	Order with signature of Judge
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Fresh Matter :

1. For orders on Misc. No.18202/2020 (U/A) :
2. For orders on office objection No.18 :
3. For orders on Misc. No.18203/2020 (E/A) :
4. For orders on Misc. No.18204/2020 (Stay) :
5. For hearing of Main Case :

14.09.2020 : Mr. Muhammad Ali Lakhani, advocate for the petitioner.

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1. Urgency granted.

2 to 5. Petitioner, who is a commercial pilot and is serving with respondent No.3, received impugned order dated 03.07.2020 (page 57) issued by respondent No.2 whereby his license was suspended on the grounds alleged in the said impugned order. It is contended that the grounds alleged in the impugned order were malafide and illegal and were not applicable in the case of the petitioner. Due to this reason, he filed an appeal before the appellate authority as provided under Rule 342(4) of Civil Aviation Rules, 1994, which is still pending. It is urged that the petitioner's license could not be suspended in view of the grounds alleged in the order of suspension and the due process of law has not been followed by the respondents while taking the impugned action. As the petitioner has already availed his remedy by filing the appeal before the appellate authority, we are not inclined to make any observation or to pass any order with regard to the order of suspension impugned before the appellate authority. Learned counsel states that the petitioner would be satisfied if a direction is given to the appellate authority of respondent No.2 to decide his appeal expeditiously in accordance with law. He, however, requests that till the final decision of his appeal, the respondents be restrained from dismissing him from service on any of the grounds alleged in the impugned suspension order. He submits that this request has been made in view of the fact that in several cases pilots have been dismissed from service despite pendency of their appeals.

In view of the above, we direct the appellate authority of respondent No.2 to decide the petitioner's appeal within three (03) weeks from the date of receipt of this order strictly in accordance with the prevailing rules and regulations of respondent No.2. Needless to say that the petitioner shall be provided adequate opportunity of hearing and his appeal shall be decided strictly on merits. Till the final decision of his said appeal, further coercive action shall not be taken against him. Issue notice to respondent No.2 for compliance.

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

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