

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D – 2869 of 2020

Date	Order with signature of Judge
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Before :

Mr. Justice Nadeem Akhtar

Mr. Justice Mahmood A. Khan

For orders as to maintainability of the petition :

15.09.2020 :

Petitioner Muhammad Ahmed Khan present in person.

NADEEM AKHTAR, J. – Through the present petition, petitioner has prayed that the respondents be directed to reinstate him by granting him the same treatment as was granted to his other colleagues in the light of the judgments of Federal Service Tribunal and Hon'ble Supreme Court. In paragraph 5 of the petition, he has stated that some of his colleagues filed C.P. No.D-288/2003 before the Circuit Bench of this Court at Hyderabad, which was allowed and his said colleagues were reinstated. According to the petitioner, the respondents ought to have reinstated him in view of the order of reinstatement of his colleagues passed by this Court in their aforesaid petition.

2. Relevant facts of the case, as averred in the petition are that petitioner was appointed on 01.06.1994 as a wireman in BS-03, however, his services were terminated on 28.05.1995 on the grounds that his appointment was illegal and unauthorized as he was appointed by an officer who was not competent to appoint him, and his appointment was made in violation of the prescribed recruitment rules and procedure. On our query, it was conceded by the petitioner that he never approached any Court of law for his reinstatement, and he is simply relying on an earlier order passed by this Court in the above mentioned petition filed by his colleagues. He, however, states that numerous letters and representations were sent by him to the respondents and also to the then President and Prime Minister of Pakistan.

3. Perusal of the aforesaid order passed by this Court on 28.04.2004 in C.P. No.D-283/2003, on which the petitioner is relying, shows that it was a consent order and was not an order *in rem*. Therefore, the said order, having no binding effect on us, cannot be relied upon by him. Be that as it may, he has filed the present petition after more than sixteen (16) years of passing of the aforesaid order. Moreover, he has not been able to explain as to what had

prevented him from availing the remedy provided by law within a reasonable time for redressal of his grievance, and why the present petition has been filed after twenty five (25) years of his dismissal. Needless to say writing letters and sending representations to the President and Prime Minister of Pakistan and/or to the respondents did not absolve him from the responsibility of seeking his remedy under the law within a reasonable time.

4. The above discussion leads us to the conclusion that the petition is hit by the doctrine of laches, for which no explanation whatsoever has been offered by the petitioner. Accordingly, the petition and pending CMA No.12487/2020 are dismissed in *limine* with no order as to costs.

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