

*Order Sheet*  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Const. Petition No. D – 7994 of 2017**

Date	Order with signature of Judge
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Priority :

1. For hearing of Misc. No.33405/2017 :
2. For hearing of Main Case :

**06.11.2020** : Mr. Rafiq Ahmed Kalwar, advocate for the petitioner.  
Mr. Khalid Javed, advocate for the respondents.  
Mr. Ali Safdar Depar, Asstt. AG, Sindh.

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Through this petition, petitioner has impugned show cause notice dated 13.11.2017 whereby he was called upon by the respondent-University to show cause why disciplinary action should not be taken against him in accordance with the Removal from Service (Special Powers) Sindh Ordinance IX 2000 (as amended) and University Employees Efficiency and Disciplinary Statutes 1990 (as amended), for the misconduct alleged in the said notice. At the outset, learned counsel for the petitioner was directed to satisfy the Court as to how this petition is maintainable against a show cause notice. It was urged by him that the allegation made against the petitioner in the impugned show cause notice is false and malafide, and as such instead of waiting for any adverse or further proceedings / action by the respondents, such as inquiry and disciplinary action in pursuance thereof, the petitioner is entitled to safeguard his interest by filing this petition.

Learned counsel for the respondents points out that inquiry against the petitioner was concluded and the inquiry report was submitted before this Court in pursuance of the order passed in the present petition on 23.11.2017, however, final order or decision has not been passed / made in pursuance thereof as directed by this Court. We are of the view that final order is yet to be passed by the respondents pursuant to the inquiry, and as far as the present petition is concerned, the same has become infructuous as the impugned show cause notice has merged into the inquiry report. Regarding the petitioner's contention that allegation contained in the impugned show cause notice was false and/or malafide, suffice it to say if any adverse order is passed against him by the respondents, he will be at liberty to challenge the same before the competent forum in accordance with law and to urge such ground, or as many grounds as he wants, in his said appeal. With this observation, the petition is disposed of along with listed application with no order as to costs.

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