

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No. D-8024 of 2017

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

Priority

1. For hearing of CMA No. 2162/2018
2. For hearing of CMA No. 33535/2017
3. For hearing of main case.

Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Yousuf Ali Sayeed.

Col (R) Mahmood Ahmed and otherPetitioners

Versus

Federation of Pakistan and othersRespondents

13.02.2020

Mr. Altamash Arab, advocate for the petitioners.
Mr. Ali Asadullah Bullo, advocate for respondents Nos. 2-4.
Mr. Ghulam Mohiuddin, Asstt. Attorney General.

MUHAMMAD ALI MAZHAR, J. Basically all the petitioners being employees of National Insurance Company Limited challenged the letter dated 21.11.2017 communicated by the Section Officer Ministry of Commerce & Textile Commerce Division, Government of Pakistan to the Chief Executive Officer of National Insurance Company Limited, Karachi that a meeting of Public Accounts Committee was convened regarding irregular, unlawful and illegal appointments on key positions in NICL and on the directions of Public Account Committee, the Ministry of Commerce constituted an inquiry committee to probe into the matter of illegal appointments in NICL. The inquiry committee also concluded that the appointments on 09 posts by NICL in the last one year are illegal therefore the management of NICL was directed to implement the recommendations of inquiry committee and to terminate the contract of 09 of illegal appointees with immediate effect.

The learned counsel for the petitioners argued that this petition was filed on the premise that Ministry of Commerce had no

jurisdiction to conduct any inquiry in the matter of NICL but he further argued that during the pendency of this petition, petitioner Nos. 1 to 5 and 9 have already been dismissed after conducting the inquiry and they filed their departmental appeals before the appellate authority and the appellate authority for three persons converted their dismissal into termination whereas other three appeals were dismissed outrightly and the petitioners are going to avail appropriate remedy in accordance with law. So far as petitioners Nos. 6, 7 and 8 are concerned, no action has been taken neither any inquiry has been conducted against them nor they have been issued show cause notices.

At this juncture, Mr. Ali Asadullah Bhullo, learned counsel for the NICL submits that the left out three persons were also issued notices and the inquiry has been completed but no final action has been taken so far. However this petition is not maintainable as NICL has no statutory rules of service and therefore relationship of their employee with the employer is of master and servant.

Be that as it may, it is an admitted position that six appeals have already been decided and after dismissal / termination the said petitioners are going to avail their appropriate remedies and for three petitioners according to the learned counsel of NICL, the inquiry has been concluded.

This petition is disposed of with the directions that no action shall be taken against three employees without due process of law and remaining dismissed employee may avail appropriate remedy in accordance with law.

JUDGE

JUDGE

