

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.D-2202/2019

Date	Order with signature of Judge
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*BEFORE: Irfan Saadat Khan,
Agha Faisal, JJ*

1. For hearing of Misc. No.13156/2019.
 2. For hearing of Misc. No.9865/2019.
 3. For hearing of Main Case
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15/12/2021:

Malik Naeem Iqbal, Advocate for the petitioner.
Mr. Faisal Mahmood Ghani, Advocate for the Respondent/NBP.

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Irfan Saadat Khan, J. The instant petition has been filed challenging the Office Memorandum dated 07.02.2019 as illegal and unconstitutional.

Briefly stated the facts of the case are that the petitioner was an employee of the Respondent / Bank and there were certain allegations against him. On 27.12.2017 he was served with charge sheet and show cause notice containing certain allegations, due reply thereafter was given in respect of the show cause notice. However, the reply furnished by the petitioner was found unsatisfactory and thereafter the impugned office memorandum was issued.

Malik Naeem Iqbal, Advocate has appeared on behalf of the petitioner and has reiterated his submissions that the office memorandum based on the charge sheet was illegal as certain facts going to the roots of the case were not considered.

Mr. Faisal Mahmood Ghani, Advocate has appeared on behalf of the Respondent / Bank and stated that the instant petition is not maintainable as the petitioner has already filed a departmental appeal before the President, which is pending adjudication and since the petitioner has already undertaken a legal course, hence the instant petition is not maintainable as the petitioner has already availed a legal efficacious remedy. He, therefore, stated that the instant petition, being not maintainable, may be dismissed.

We have heard both the learned counsel at some length and have perused the record.

It is an admitted position that an appeal for reinstatement in service has been filed by the petitioner before the President, even though he has retired from the service, but the fact remains that his appeal has not been decided so far by the President.

We, therefore, under the circumstances without indulging into factual aspects of the matter that whether the charge sheet issued to him and the show cause notice given to him dated 29.12.2017 was in accordance with law or not? Whether the impugned office memorandum dated 07.2.2019, which has been challenged before by the Respondent No.1, was legally and factually correct and since a legal course has already been adopted by the petitioner by filing an appeal before the President, which admittedly is pending adjudication, hence in the circumstances of that it would be in the interest of justice and fitness of the things if Respondent is directed to decide the appeal filed by the petitioner either by himself or through any senior officer of the bank within a period of two months' time from the date of receipt of this order. The officer hearing the appeal is directed to provide personal hearing to the petitioner and to obtain his reply / defense and thereafter pass a speaking order strictly in accordance with relevant rules and regulations. Needless to state that if the petitioner feels aggrieved with the order passed by the officer of the bank, he would be at liberty to seek the legal remedy as available to him under the law. Let a copy of this order be sent to the President of N.B.P for information and compliance.

With the above directions the instant petition alongwith listed applications stands disposed of.

JUDGE

JUDGE

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