

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-147 of 2022

Order with signature of Judge

Fresh Case

1. For order on Misc. No.616/2022
2. For order on Misc. No.617/2022
3. For order on Misc. No.618/2022
4. For hearing of main case.

10.01.2022

Mr. Ahmed Ali Ghumro, advocate for the petitioners.

1. Urgency granted.
2. Exemption application is granted subject to all just exceptions.
- 3-4. Petitioners are Civil Servants and have called in question the disciplinary proceedings initiated against them by the respondent-Health Department, Government of Sindh, in pursuance of direction contained in the order dated 08.12.2021 passed by this Court in CP No.D-2844/2021. It is contended *inter-alia* on behalf of the petitioners that the respondent-Health Department is adamant to take coercive action against the petitioners, though this Court vide order dated 08.12.2021 directed them to conclude the disciplinary proceedings initiated against them after providing the opportunity of hearing to them within one month. Learned counsel pointed out that the conclusion of the disciplinary proceedings means regular inquiry which has not been done, they are just filling up the lacuna, though they had already been exonerated from the same charges. However, they are acting in violation of Articles 10-A and 13 of the Constitution of the Islamic Republic of Pakistan, 1973, as such they have rushed to this Court to rescue them from the double jeopardy as pointed out supra. Learned counsel referred to various documents attached with the memo of the petition including the orders of the Hon'ble Supreme Court on the subject issue as well as this Court and submitted that he is only confining his arguments to the extent of strict compliance of the orders passed by this Court strictly under law. Since they have grave apprehension of being removed from their respective services, therefore, no coercive action shall be taken against them in the intervening period.

To appreciate as to whether the petitioner's case falls within the purview of disciplinary proceedings under Rule 4-A read with sub-rule(3) of Rule 5 of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, on the premise that they have already been exonerated from the same charges as pleaded by them; and, whether the respondent-Health Department is complying with the order dated 08.12.2021 passed by this Court in C.P. No.D-2844/2021 by holding the regular inquiry against them or otherwise, let notice be issued to respondents as well as Advocate General Sindh for 17.01.2022 with direction to file comments on or before the next date of hearing. In the meanwhile, the respondents may continue

with the disciplinary proceedings initiated against the petitioners in terms of the ratio of the order dated 08.12.2021. While concluding the matter, the competent authority shall provide a meaningful hearing to the petitioners, confronting with the relevant material. However, it is made clear that the decision of the competent authority shall be subject to the outcome of this petition.

JUDGE

JUDGE

Nadir*