

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP. No. D- 773 of 2022

Date Order with Signature(s) of Judge(s)

Fresh Case

1. For order on Misc No.3462 /2022
2. For order on office objection no.04
3. For order on Misc No.3463 /2022
4. For order on Misc No.3464 /2022
5. For hearing of main case

09.02.2022

Mr. Zakir Hussain Leghari, advocate for the petitioner.

1. Urgency granted.
2. Deferred for the time being.
3. Granted subject to all just legal exceptions.
- 4-5. Petitioner is ex-Junior Clerk of Sindh Reserve Police Hyderabad, has called in question the disciplinary proceedings initiated against him and culminating into the major punishment of removal from service vide office order dated 04.05.2016; and, on departmental appeal, he was reinstated into service vide office order dated 11.12.2018, subsequently, the aforesaid order of reinstatement was recalled by the Deputy Inspector General of Police, Commandant Sindh Reserve Police (SRP) Sindh Karachi, vide order dated 26.3.2019 on the plea that matter is pending in the learned Accountability Court for the trial of the petitioner and others. It is, *inter alia*, contended on behalf of the petitioner that the petitioner was appointed as Junior Clerk in District Naushahro Feroze in the year 1990. In the year 2016, the Superintendent of Police SRP Hyderabad removed him from service on false and fabricated charges concerning the recruitment process of Constables in SRP. Per learned counsel, NAB conducted an inquiry against ex-IGP Sindh, AIGP, SP, and SP (SRP) and the petitioner and finally filed NAB reference in the trial Court. Per learned counsel, the petitioner being a junior clerk has no role in the recruitment process of Police Constables as he is neither the competent authority nor had any sort of role in the recruitment and/or issuance of fake and fabricated documents in favor of the beneficiaries; and, this was the reason petitioner was reinstated in service by the respondents in 2018. Learned counsel for the petitioner referred to the order dated 11.5.2018 passed by this Court in CP No.D-2226/2018 and submitted that several senior officers and police officers are facing the charges of NAB in the trial court but they are still enjoying the service and working in a different department, however, petitioner has been left in the lurch without any justifiable cause. He seeks similar treatment as meted out with the superior officers on the plea that he has no role in any of the recruitment process, even remotely. He lastly referred to the cross-examination of the witnesses of the police department and submitted that he has been cleaned from the charges leveled against him, however, due to the pendency of the NAB reference his reinstatement order has been kept in abeyance.

Be that as it may, we are only concerned with the question, whether once a civil servant is reinstated in service, could his reinstatement order be kept in abeyance till the finalization of the matter from the NAB Court. Let notice be issued to the respondents as well as to learned AAG with direction to file comments on or before the next date of hearing and assist this Court on the question raised hereinabove.

Adjourned; to come up after three weeks.

JUDGE

JUDGE

Nadir/PA