

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P. No. D-819 of 2022**

Order with signature of Judge(s)

**Fresh Case**

1. For order on Misc. No.3735/2022
2. for order on office objection no.04
3. For order on Misc. No. 3736/2022
4. For order on Misc. No. 3737/2022
5. For hearing of main case.

**11.02.2022**

Dr. Shahab Imam, advocate for the petitioner.

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1. Urgency granted.
2. Deferred for the time being.
3. Exemption application is granted subject to all just exceptions.
- 4-5. Petitioner is a civil servant, who has called in question the vires of the show cause notice dated 27.1.2022 issued by the Secretary, Establishment, in terms of Rule 6(6) of the Civil Servants (Directly Retirement from Service) Rules, 2020. It is inter alia contended on behalf of the petitioner that average entry in the Annual Confidential Report is not an adverse unless disciplinary action is initiated on this ground, when the same is required to be communicated to the Civil Servant; however, the petitioner has not been apprised of the certain deficiencies in time for his remedial action. Learned counsel for the petitioner added that the respondents are intending to award a major penalty of compulsory retirement to the petitioner, without resorting to the provisions of Government Servant's (Efficiency and Discipline) Rules, 1973. Per learned counsel, rule 5(1)(a) of the Civil Servants (Directly Retirement from Service) Rules, 2020 is ultra vires to the Article 2A,3,4,8,9,10A,13,14,18 & 25 of the Constitution of the Islamic Republic of Pakistan as well as the provision of Civil Servants Act, 1973 and Rules framed thereunder and against the dicta laid down by the Hon'ble Supreme Court of Pakistan in its various pronouncement from time to time.

The contentions raised require consideration; let notice be issued to the respondents as well as to the learned DAG with direction to file comments on or before the next date of hearing. In the meanwhile, no coercive action shall be taken against the petitioner in terms of rule 5(1)(a) of the Civil Servants (Directly Retirement from Service) Rules, 2020.

To come up on 14.02.2022 along with CPs No.D-3577& 710/2022. Learned counsel is directed to come prepared on the subject issue and assist this Court on the next date of hearing.

JUDGE

JUDGE

Nadir\*