

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**CP. No. D- 3849 of 2021**

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

1. For order on office objection
2. For hearing of Misc. No.15978/2021
3. For hearing of main case

**14.03.2022**

Mr. Faizan Hussain Memon, advocate for the petitioner  
Mr. Samiullah Soomro advocate for respondents No.1 to 3  
Rafiq Ahmed Channa present in person.  
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Through this petition, the petitioner has averred that she was appointed as Junior Clerk on 22.2.2019 through a competitive process, in respondent Workers Welfare Board Sindh (WWBS) in BPS-11 on regular basis against the quota reserved for deceased civil servants under rule 11-A of the Sindh Civil Servants (Appointment, Promotion, and Transfer) Rules, 1974. Petitioner has submitted that due to office maneuvering, her services were terminated by the respondents, without fulfilling the codal formalities as required under the law, on the analogy that she had tempered her father's name in her educational documents as her father's name is Allah Noor, instead of Allah Rakha. The petitioner being aggrieved by and dissatisfied with the impugned termination order has filed the instant petition, *inter-alia*, on the ground that all the educational documents are genuine and no tempering has ever taken place; that the appointment is genuine and nothing adverse is against the petitioner.

Mr. Samiullah Soomro, learned counsel for respondents No.1 to 3, has submitted that the captioned petition is not maintainable on the premise that her basic appointment was dubious and her testimonials were, later on, found tempered; that this court may direct the Chief Secretary Sindh to constitute a Committee to conduct an inquiry of alleged fraud/forgery as discussed in the preceding paragraph, after providing the opportunity of hearing to the parties and take action against the petitioner under the law.

Looking at the above perspective and keeping in view the factual position of the case, we asked the learned counsel representing the petitioner to satisfy this Court regarding the maintainability of the instant petition on the aforesaid pleas.

Mr. Faizan Hussain Memon, learned counsel for the petitioner, has contended that respondents have terminated her services without issuing any show-cause notice or seeking explanation in this regard; that the educational documents of the petitioner are genuine and have been verified. He next argued that the testimonials of the petitioner are not fake and the contentions of the respondents are an afterthought and a heavy burden lies upon their shoulders to prove their contentions; that the respondents are responsible for causing unnecessary harassment to the petitioner, and the petitioner

cannot be deprived on account of the illegal acts of the Respondents. It is further asserted that the service of the petitioner cannot be terminated by the respondents without issuing show cause notice and completing other legal and codal formalities under the law, thus according to him, the entire proceedings undertaken by the respondents about the withholding of the salary of the petitioner and subsequent dispensing with her services is a nullity in the eyes of law; that the petitioner has enjoyed her postings and after the lapse of considerable time the respondents have awakened from a deep slumber to say that the educational papers of the petitioner are not genuine. He continued by stating that the respondents are fully responsible for all fiasco; and, they have to account for it. He lastly prayed for allowing the instant Petition as prayed.

Based on the contentions of the parties, this Court vide order dated 09.02.2022 sent the original educational documents of the petitioner for verification from the Board of Intermediate and Secondary Education Sukkur (BISE Sukkur) and concerned University for verification; and subsequently verification report received from the concerned Board and University; and they found the subject documents in order, such report was taken on record.

In view of the above, the respondents reinstated the service of the petitioner vide order dated 02.03.2022, and the salary of the petitioner was deposited with the Nazir of this court. Learned counsel for the respondent Board raised a voice of concern that the petitioner had filed Suit No.741/2021 before the learned Illrd Senior Civil Judge Malir Karachi for declaration and correction in date of birth which was disposed of on 04.10.2021 by way of judgment. Per learned counsel due to the said judgment her father's name was modified and placed on record keeping in view the aforesaid this court summoned the R&Ps of the Suit No.741/2021 which has been produced and after going through the judgment dated 04.10.2021 passed by the learned Senior Civil Judge-III Malir Karachi in Civil Suit No.741/2021 whereby the learned Judge decreed the Suit and corrected the actual date of birth as 20.04.2002 based on evidence of the parties.

The very purpose of filing this petition has been served; so, we do not want to travel into the alleged controversy as depicted by the respondents for the reason that the BISE Sukkur and University have already determined the veracity of the aforesaid documents as genuine; and at this stage, we cannot thrash out the claims, and counter-claims of the parties as these are disputed questions of facts between the parties, which cannot be adjudicated by this Court while exercising the Constitutional Jurisdiction.

In view of the above facts and circumstances of the case, this petition stands allowed in the terms of the reinstatement order dated 02.03.2022 passed by the Secretary, Workers Welfare Board Sindh.

**JUDGE**

**JUDGE**