

4. Admittedly prayer clause seeks cancellation of show cause notice. Learned counsel for petitioner while relying upon 2019 PLC (CS) 751, 2015 PLC (CS) 1487, 2015 SCMR 1257, 2016 CLC 1152, 2013 SCMR 1707, PLD 1975 SC 244 and unreported judgment dated 30.09.2019 in CP No.D-5649/2018, contends that requirement for the post was a bachelor's degree and that is genuine that the procedure adopted by the respondents is based on biases; as well the petitioner has served the respondents for many years and awarded promotions.

5. In contra, learned counsel for respondents as well learned DAG while relying upon 2012 SCMR 979 and 2018 PLC (CS) 542 contend that petitioner had submitted fake document and enquiry was conducted wherein it is found that his employment of petitioner with respondents was no the basis of fake document.

6. At this juncture learned counsel for petitioner seeks verification of the documents through this court; this proposal is denied by counsel for respondents. *Legally*, in constitutional jurisdiction, factual controversy cannot be determined by this court and that is the function of the employer to examine such documents; provide opportunity to its employee for rebuttal which includes considering the question of genuineness / verification of document, if raised or disputed and then to take action in accordance with law. Here enquiry report is not in question but show cause and charge sheet have been challenged, therefore we are confining our decision to legality of such plea *alone*.

7. Needless to mention that an employer cannot be stopped from initiating an enquiry if same is not with colourful exercise else

there shall be no concept of '**good order of service discipline**' which, otherwise, is back-bone of any institution. Needless to add that this is because of which *normally* every service law or rules includes such right for competent authority. Here bundle of documents have been filed which, *prima facie*, requires determination of factual controversy; as well petitioner is ready to contest the enquiry and further action if any taken by the respondents. Accordingly, without commenting or adjudicating the merits of the case, we are of the view that instant petition against show cause notice is not maintainable hence is dismissed. However petitioner would be at liberty to challenge if any adverse order is passed by the employer.

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