ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.D-5499 of 2021

Date Order with signature of Judge(s)

1. For orders on Misc. No.23033 of 2021.

- 2. For orders on office objection no.18.
- 3. For order on Misc. No.23034 of 2021.
- 4. For order on Misc. No.23036 of 2021.
- 5. For hearing of main case.

13.09.2021

Khawaja Shamsul Islam, advocate for the petitioner.

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- 1. Urgency granted.
- 2. To be complied with within seven days.
- 3. Exemption granted subject to all just exceptions.

4-5. Precisely, the case of the petitioner is that he has been working as an in-house Corporate Lawyer with the respondent company since 2008 permanently. It is inter-alia contended on behalf of the petitioner that he had been performing his duties assigned to him with keen interest and devotion without any complaint; that after a continuous devoted and successful performance, his services were duly appreciated by the respondent-SSGCL; and, was promoted in Grade-VI as Chief Manager (legal services) vide office order dated 01.10.2014. Per learned counsel he was expecting his due promotion in Grade-VII as Deputy General Manager, however, the respondent-SSGCL, in utter violation of its promotion policy, ignored him and appointed outsider for the post of Grade-VII, compelling him to institute a Civil Suit No.763/2019 before this Court, which was compromised vide order dated 18.10.2019; however, the respondent-company did not forgive and forget the legal action of the petitioner as discussed supra which triggered the cause of action to the respondent-company, who threatened him to terminate his services by hook and crook. It is urged by the learned counsel that since the respondent-SSGCL was bent upon victimizing him on the subject issue and took lame excuse by calling him in the office of Senior General Manager (HR), who started misbehaving with him by leveling certain accusations on some billing issue, which prompted the respondent-SSGCL to issue the termination letter dated 29.7.2021, whereby his services were dispensed with, which is not

simpliciter termination, however the same is with stigma; that no opportunity of hearing has been provided to him while taking the impugned action, which violates the principles of natural justice. Learned counsel cited various provisions of the Memorandum of Associations of SSGC, Public Sector Companies (Corporate Governance) Rules, Performance Management Policy of SSGC, and other documents/orders of the Superior Court to substantiate his claim on the aforesaid proposition. Learned counsel also pointed out that no disciplinary proceedings were/are pending against him; and, his superannuation date is due on 06.7.2022; that Petitioner being eligible in all respect is entitled to completion of his tenure of service; that the impugned termination order is violative of section 24-A of the General Clause Act; that the impugned order does not reflect any reason thereof; that the petitioner was not at fault when he was ordered to be terminated/relieved from the aforesaid post. He lastly prays for notice to the respondents and seeks suspension of the impugned order dated 29.7.2021 issued by the respondent-SSGCL.

To appreciate as to whether termination of the service of the petitioner required the process of issuing show cause notice, holding of regular inquiry and passing of proper order by the competent authority, after granting him a personal hearing; and, or was a termination simpliciter, not requiring the above process?

Notice to the respondents as well as DAG for **28.9.2021**. Meanwhile, the operation of the impugned letter dated 29.7.2021 shall remain suspended.

JUDGE

JUDGE

Nadir