

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

C.P. No.D-530 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE (S)
	1. For orders on office objections.
	2. For orders on M.A. No.10532/2021.
	3. For hearing of main case.
<u>01.02.2022</u>	

Mr. Lutfullah Arain, Advocate for the petitioner.

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Admittedly, the petitioner was terminated from service as “*compulsory retirement*” thereafter he approached to Federal Service Tribunal where the said order of his compulsory retirement was set-aside however, the Department went in appeal against reinstatement of petitioner in service and the Apex Court accepted that appeal thereby maintained the order of compulsory retirement.

Now through present petition, the petitioner is seeking inquiry against delinquent officer (s) on the ground that only he was victimized. Further, all proceedings following his termination from Government service were colourful exercise, hence the said delinquent officer (s) required to be dealt with in accordance with law.

Needless to mention that the petitioner after conducting preliminary inquiry was terminated from his service and he challenged those proceedings which were finally culminated against him by the Apex Court, therefore, issue of his termination was declared as legal. The earlier part of the litigation has come to an end and has attained finality between the parties. The questions once decided by the competent Court of law, cannot be re-agitated again by the petitioner. This aspect/issue will act as *res judicata* against him precluding him to question the order of his termination on the basis of inquiry. The pros and cons of the termination order of the Petitioner including preliminary inquiry in earlier round of litigation were thoroughly considered by the Honourable Supreme Court. The same verdict of the Honourable Supreme Court has attained finality and thereafter the matter became a past and closed

transaction inter-se the parties to the *lis*, not open to any further dilation and consideration. Reference may be made to the cases of **Quetta Development Authority through Director General v. Abdul Basit and others (2021 SCMR 1313)** and **Chief Commissioner Inland Tax, through RTO, Zone-I, Federal Board of Revenue, Hyderabad and others v. Ghulam Mustafa Mari, Ex-Inspector, Income Tax, Revenue Division, FBR, Hyderabad (2019 SCMR 1657)**.

Accordingly, no inquiry can be initiated against officer(s), who conducted preliminary inquiry against the petitioner and when the order of tribunal setting-aside the petitioner's compulsory retirement was reversed by Hon'ble Apex Court, therefore, we find this petition being misconceived, dismissed in *limine* along-with pending application.

JUDGE

JUDGE