

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

J.C.M. No.29 of 2020

DATE	ORDER WITH SIGNATURE(S) OF JUDGE(S)
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1. For hearing of CMA No.3193/2022 (Contempt)
2. For hearing of CMA No.3194/2022 (S-94)

20.12.2022

Khawaja Shams-ul-Islam, advocate alongwith Syed Imtiaz Ali Shah, advocate for the alleged contemnor.

Mr. Abid S. Zuberi, advocate, Mr. Ayan Mustafa Memon, advocate, Mr. Rashid Anwar, advocate, Mr. Ali Abid Zuberi, advocate for respondents No.1 and 2

Mr. Ali Almani, advocate alongwith Mr. Sami-ur-Rehman, advocate for respondents No.1 and 2.

This Judicial Miscellaneous Application was allowed vide judgment dated 09.12.2022 on the following consideration: -

- i. The Foundation is restored to its original members as it stood in 2011 prior to induction of new members.*
- ii. The council so restored is at liberty to amend Memorandum & Articles of Association and consequently induct any or as many member council as the amended Articles permits. This should be done, if they so chooses in accordance with law.*
- iii. The restored council may announce a date of meeting for nominating a Chancellor in two week's time and until the Registrar of university shall perform daily functions in routine.*
- iv. Audit of Foundation (IIF) to be conducted of last ten years.*
- v. Claim of rent is neither illegal nor illogical but should be fair as far as quantum is concerned.*

The original council of the Foundation was restored, who were then allowed to convene a meeting to nominate a Chancellor. The Chancellor was nominated by the Foundation, however, some of the members of the council, as claimed by two individuals were not in town. They filed Suit No.1921/2022 and another recourse was provided to them to convince the other council members if some other council member could be nominated as Chancellor but they failed; eventually the same nomination was then forwarded in the meeting of full council members. There was no interim orders in Suit No.1921/2022 and a notification ought to have been followed by the Registrar, but the matter was delayed that compelled the respondents to file a contempt application in this JCM that the Registrar is purposely avoiding to issue a notification that is required under the law and in compliance of the judgment.

Mr. Khawaja Shams-ul-Islam, learned counsel appearing for the alleged contemnor being Registrar, responsible for issuing such notification, has filed Vakalatnama, which is taken on record. He submits that the Registrar is bedridden as previously he has undergone heart surgery. He further submits that he is not in a position to perform functions of the University as Registrar due to his indisposition which may take some time. That may well be the case of Mr. Khawaja Shams-ul-Islam that restricted the Registrar from performing his duties; however, the function of the University has to carry on. The Foundation has nominated a Chancellor and by no means this purpose should be derailed.

I am of the opinion that the Registrar, who is presently confined to bed and facing contempt proceedings, shall remain suspended till further orders. In the meantime, the Director (Finance) Mr. Ghulam Rasool Kazi is appointed as Acting Registrar to perform functions till further orders as unless the Chancellor is appointed the University cannot function. The first step that he (Mr. Ghulam Rasood Kazi) should take and submit report to this Court is that he should be issuing a notification of the appointment of the Chancellor as nominated by the Foundation. Such compliance be made in two days' time and report be submitted to this effect before this Court.

Mr. Khawaja Shams-ul-Islam requests for some time to file counter affidavit to the listed contempt application on behalf of the alleged contemnor. Three weeks' time is granted.

JUDGE