

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 904 of 2018

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

For directions

For hearing of CMA No.2320/2022 (C/A)

24.11.2022

Mr. Hamayoun Sheikh, Advocate for the petitioner.
Mr. Manzoor Hussain N. Larik, Advocate for respondents-University.
Mr. Ali Raza Baloch, Assistant Advocate General Sindh.

.-.-.-.-.-

By means of listed application, the petitioner seeks initiating of the legal proceedings against the alleged contemnors on the ground that they willfully, intentionally and deliberately disobeyed the order dated 13.10.2021 passed by this Court in this Constitutional petition. For ready reference, aforementioned order is reproduced as under:

“Through this petition the petitioner has impugned Notification dated 05.04.2018 through which an Enquiry Committee was constituted to investigate and probe some allegations against the petitioner. It is informed that since filing of this petition the matter is pending and the enquiry is yet to commence. In the circumstances we are of the view that no useful purpose will be served by keeping this petition pending and we dispose of this petition with the observations that the Enquiry Committee shall proceed in accordance with the terms of reference after affording proper opportunity to the petitioner to defend himself and finalize the proceeding in accordance with law. If the petitioner is further aggrieved then he may seek appropriate remedy as will be available in accordance with law. Let proceedings of enquiry be completed within maximum period of 90 days.

The petition stands disposed of in the above terms.”

In response to the listed application, comments have been filed by respondents No.2 to 6, which reflect that after recommendation of inquiry report, the syndicate approved the same in its 152nd meeting held on 23 September 2021 with further direction that same may be sent to Legal Advisor of the University for interpretation and other guidance. The Legal Advisor made his opinion to Registrar through his letter dated 23.01.2022 with recommendation for its implementation after necessary approval

from the syndicate of the university. It has further been stated that the petitioner, who was restrained through impugned notification to teach students of the batch (*15-KME batch*) until the inquiry is conducted, now can teach and conduct the classes in the department after passing out of the 15-KME batch.

Although no inquiry report has been submitted along with aforementioned comments, a copy of the same is provided today by the Counsel of the University. Perusal of the same shows that the requisite inquiry has already been commenced on 15.09.2019 and such fact is also mentioned in the comments filed by respondents No.2 to 6 on 13.04.2021 that a notification was issued by the respondents after completion of inquiry process, wherein all codal formalities were completed. However, such fact was not brought into the knowledge of this Court on 13.10.2021 when aforementioned order was passed for the reasons that on the said date, none was in attendance on behalf of respondents-University. Hence, listed application being misconceived and devoid of any merit is **dismissed** accordingly.

JUDGE

JUDGE

Abdul Basit