

IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon

CPNo.D-7976 of 2022

HRDO Services (SMC-Private) Limited

through its Chairman

Petitioner:

Through Mr. Zahid Mehmood, advocate

Respondents:

Nemo.

Date of hearing

& Decision:

16.01.2023.

ORDER

ADNAN-UL-KARIM MEMON, J. Through this Constitutional Petition, the petitioner HRDO Services (SMC-Private) Limited Company is seeking direction to the respondents to conduct departmental action against respondent No.8, inter alia, on the ground that he is getting double salaries and caused loss to the public exchequer.

2. At the outset, we asked the learned counsel as to how this petition is maintainable so far as conducting the inquiry and other ancillary proceedings against the respondents under Article 199 of the Constitution. Learned counsel for the petitioner has submitted that respondent No.8 is working in working two different departments as Gazetted Officer BPS-16 and 17 i.e. Karachi Water and Sewerage Board and Sindh Technical and Vocational Training Authority. Per learned counsel, he moved an application to respondents No.2,3, and 7 and pointed out illegalities, however, they have completely ignored compelling the petitioner company to approach this Court.

3. We have gone through the case file and heard the learned counsel for the petitioner on the maintainability of the instant petition.

4. Prima facie, the allegations leveled by the petitioner requires factual controversy, which does not fall within the purview of Article 199 of the Constitution, therefore, the forum chosen by the petitioner to seek directions for

holding an inquiry into the matter requires evidence. Besides, the allegations leveled by the petitioner could not be looked into under Article 199 of the Constitution. On the above proposition of law, the principle has already been settled in the case of Muhammad Ashraf and others vs. United Bank Limited and others (2015 SCMR 911).

5. Consequently, the instant Petition stands dismissed in limine along with the listed applications. However, the Petitioner may avail appropriate remedy as provided to him under the law.

JUDGE

JUDGE

Nadir*