

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI/

Suit No. -775 of 2021

Date	Order with Signature of the Judge
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- 1.For orders on office objection as flag 'A'
- 2.For hearing of CMA No. 5382/2021.
- 3.For hearing of CMA No. 7818/20221
- 4.For hearing of CMA No. 9611/2021
- 5.For hearing of CMA No. 12843/2021
- 6.For hearing of CMA No. 2173/2022
- 7.For examination of parties/Settlement of issues.

23rd January 2023.

Mr. Muhammad Umar Lakhani, Advocate for plaintiff.

Mr. Behzad Haidar, Advocate for defendant.

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This suit is filed by an employee of Bank of Punjab, initially posted at Karachi who was initially served with the show cause notice dated 15.05.2020, followed by his dismissal on 15.03.2021.

For the purpose of present controversy, since the show cause notice has now taken to its logical end, through an enquiry procedure, whereby plaintiff was dismissed from the service, it is this ultimate dismissal order which is under challenge. Pursuant to enquiry proceedings, the plaintiff "surrendered" before the enquiry committee where enquiry was conducted and that action of enquiry proceedings was admittedly beyond the territorial limits and jurisdiction of this court and hence the ultimate order. All the defendants arrayed in the memo of plaint hails from Lahore (addresses disclosed) and there is only statement of plaintiff, that notwithstanding his surrender before the enquiry committee, he ultimately got to know about his dismissal when he came back to Karachi.

I have heard the learned counsel and perused the material available on record.

It cannot be a heady acceptance if a jurisdiction is conferred on a mere desire of plaintiff who claimed to have received information at Karachi where he resides without considering the actual adjudication at a place which is away from our jurisdiction. If this is accepted, then the jurisdiction of any trial court

may also be altered if it could be established that he/she heard the decision somewhere else. There is a heavy counter admission by plaintiff i.e. his surrender before a jurisdiction beyond this court. The law of jurisdiction takes its own course and while the plaintiff surrendered before the enquiry committee which is admittedly beyond the territorial limits of this court, the follow up procedure concludes his dismissal at Lahore. If the court would accept the statement of plaintiff that he was residing at Karachi hence would determine the jurisdiction, it would negate the long standing principle and doctrine as recognized under section 16-20 CPC. It is the "ultimate cause" which gives birth to a jurisdiction under normal circumstances and that is dismissal from service at Lahore where he surrendered. This being the situation, since the court lacks territorial jurisdiction, I hereby return the plaint with observation that plaintiff may pursue his remedy before the court/forum having jurisdiction.

Aamir/PS

J U D G E