

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**Suit No.1529 of 2017**  
**[Saad Ullah Khan v. Al-Baraka Bank (Pakistan) Limited]**

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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1. For hearing of CMA No.15418/2017.
2. For hearing of CMA No.11409/2017.
3. For hearing of CMA No.16178/2018.
4. For examination of parties/settlement of issues.

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**Dated 31.01.2023**

Mr. Liaquat Hussain, Advocate holding brief for Mr. Ali T. Ebrahim, Advocate for the plaintiff.

Mr. Fayyaz Ali Metlo, Advocate for Defendants.

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The subject matter of this suit is a show cause notice and the proceedings thereunder were challenged. The injunction application was dismissed by an order of this Court dated 25.10.2018 by a short order and reasons were followed on the same day. After dismissal of the injunction application the disciplinary proceedings were then concluded and plaintiff was dismissed from service. Notwithstanding this dismissal an appeal was preferred by the plaintiff bearing High Court Appeal No.366/2018, however, for the reasons that prevailed upon the plaintiff, the appeal was withdrawn on 10.08.2020. The order passed in HCA No.366/2018 is reproduced below:-

*“Learned counsel for the appellant states that he has been instructed by the appellant to withdraw the instant petition as the same has become infructuous in view of termination of the appellant from service after filing of the appeal. In view of his statement, the appeal and listed applications are dismissed as withdrawn with no order as to costs.”*

Essentially this suit was filed when an enquiry was being conducted and under no stretch of imagination this could include the subsequent cause of dismissal of the suit, hence proceedings thereunder have become infructuous. The plaintiff is however at

liberty to challenge any subsequent concluded order/decision as he deems fit and proper, however, the proceedings under this suit cannot be assumed to have been proceedings challenging dismissal/termination order. This being a situation, the suit is dismissed having become infructuous with no order as to costs.

JUDGE

*Ayaz Gul*