

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Suit No.1961 of 2022

Amir Hussain
Versus

Sir Syed University of Engineering and Technology Karachi

Date	Order with signature of Judge
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For hearing of CMA 19310/2022 (stay).

Date of hearing: 17.03.2023

Syed Ahsan Imam Rizvi, Advocates for the plaintiff.

Mr. Tasawur Ali Hashmi, Advocate for the defendant.

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Muhammad Shafi Siddiqui, J.- Plaintiff on receipt of a relieving notice from the defendant, that concerns with his services, has filed this suit for declaration and permanent injunction alone.

2. Plaintiff claimed to have been appointed as Assistant/ Typist in the year 1994 in the Defendant University and with the passage of time advanced to higher posts. Lastly he was promoted as Assistant Registrar in SSU-7 (Sir Syed University) on 07.04.2001. Plaintiff was last transferred in the year 2018 to a post of Manager Operations in a Postgraduate Studies Department. He received the impugned letter relieving him from the services on account of abolition of post on 02.12.2022.

3. Learned counsel for the plaintiff submits that plaintiff has rendered 28 years of service and he cannot be treated in such a way by abolition of post, where he last transferred four years ago and thus cannot be relieved as it would cause prejudice to his rights and interests. It is claimed that neither any notice served nor enquiry was conducted and hence on this count as well his relieving was unlawful and unconstitutional.

4. Mr. Hashmi, learned counsel for the defendant submits that the relationship between plaintiff and defendant is governed by master and servant rule and he was relieved strictly in accordance with law and that there is no such accusation against him of which he could be aggrieved of. It is claimed that it was on account of an abolition of post that his services were no more required.

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

6. Defendant Sir Syed University of Engineering and Technology Karachi was/is a creation of Sir Syed University of Engineering and Technology Karachi Act, 1995 (the Act of 1995). It was the association of Aligarh Muslim University Old Boys Students who perhaps got together, created an idea and the ibid University came into being. Old students association was also registered under the Societies Registration Act, 1860. The Act provides that the President of the Association shall be Chancellor of the University and that the Vice Chancellor to be appointed by the Chancellor for a period of four years. It is this Vice Chancellor who was then held to be responsible for the academic and administrative offices/officers of the University and for the proper implementation of the provisions of this Act.

7. Amongst various authorities of the University, one of them is a Board of Governors consist of Vice Chancellor, Chief Justice of High Court of Sindh or a Judge of the High Court to be nominated by his lordship, Secretary to the Government of Sindh Education Department or his nominee, one Dean to be nominated by the Chancellor in consultation with the Vice Chancellor, the Chairman

University Grants Commission or the whole time Member of the Commission to be nominated by him, President of the Chambers of Commerce and Industries, three persons of eminence to be nominated by the Chancellor on the recommendation of the Vice Chancellor, three persons of outstanding merit to be nominated by the Association.

8. It is thus a private University which was formed and is governed by the statute. I would conclude that there is a relationship of master and servant between the plaintiff and defendant¹.

9. The Act also provides the powers and functions of the Board which include the suspension, punishment and removal from the service, the University employees, whom it is empowered to appoint, in the manner prescribed after due enquiry and defence. It is this right which is claimed to have been denied to the plaintiff. The Act also deals with the termination of service on notice and provides that where on abolition of a post or reduction in the number of posts in the cadre, the services of an employee, whose posts are retrenched, with the approval of the competent authority, are required to be terminated, the services of the person who is the most junior in such cadre, shall be terminated on notice as detailed therein. It sums up that for the permanent employee three months' salary or notice for that much period required and for temporary employees different parameters have been detailed. It is thus on account of abolition of post that the plaintiff was relieved without any accusation as far as the services are concerned. The act of abolition of post is not impugned in these proceedings. The

¹ Judgment dated 09.12.2022 passed in JCM No.29/2020 [Dr. Amir Bux Channa & another V. Isra Islamic Foundation (Guarantee) Ltd. & others].

plaintiff has only prayed that letter of 2nd December, 2022 is in violation of natural justice and contrary to the Act whereby the University was created. Mr. Hashmi, learned counsel for the defendant has categorically stated that keeping in mind the long length of service, he was relieved and he would avail the post-retirement benefits, if permitted by law and this relieving letter would not be a stigma.

10. Since the plaintiff is unable to make out a case of injunction and/or restoration of his services, the injunction application (CMA No.19310/2022) is dismissed.

J U D G E

Dated: 22.03.2023

Ayaz Gul