

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C.P No.D-2758/2011.

1. For orders on CMA 16263/2011.
2. For katcha peshi.
3. For hearing of CMA 9616/2011.

28.11.2012. Mr. Zulfiqar Ali Sangi advocate for the petitioners.
Mr. Noor Hassan Malik for AAG for the State.

At the very out set, learned counsel for the petitioners submits that under similar facts and circumstances identical petitions No.D-2820/2011 & D-2850/2011 have been allowed by this Court vide order dated 14.11.2012, therefore instant petition be disposed of in same terms. Mr. Noor Hassan Malik for State after going through the orders referred to above very candidly conceded the same.

With the consent of learned counsel for the petitioner and State counsel Mr. Malik, we dispose of the petition in terms of order dated 14.11.2012 passed in C.P No.D-2820/2011 & C.P No.D-2850/2011. For the sake of convenience the operative part of order dated 14.11.2012 is reproduced as under:-

"It appears to us that the impugned orders lack reasoning, which is mandatory requirement of Section 24-A of the General Clauses Act. Such fact is eminent from language of the impugned orders, i.e. "As per directions of higher authorities, the Appointment Order of such and such vide office order so and so is hereby cancelled/withdrawn with immediate effect." Yet another thing apparent in the orders is that although therein is allusion as to their being issued with the directions of authorities, yet it is not specifically stated as to which was the authority by approval of whom such has been so done. Furthermore, issuance of termination orders was in sheer infraction of principles of natural justice, which are applicable to every statute unless the statute itself provides for the contrary effect, inasmuch as the petitioners were neither issued show cause notices nor were they afforded any opportunity of being heard before undertaking such an exercise of termination.

Impugned orders, thus, cannot be sustained and, consequently, we allow this petition and quash

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the impugned orders dated 28.09.2011. Needless to say, the Department may have recourse to proceedings against the petitioners in accordance with law."


JUDGE.


JUDGE.

M.F.