

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No. D- 397 of 2023

Date _____ Order with signature of Judge _____

Hearing of Case.

- 1) For order on office objection.
- 2) For hearing of main case.

24.08.2023.

Mr. Jaffar Raza, Advocate for Petitioner.

Mr. Bashir Ahmed, Advocate for KPT.

Mr. G.M Bhutto, Assistant Attorney General.

It appears that the Petitioner stands terminated from service of Respondent No.2 by way of Communication dated 25.03.2020. Earlier this very Petitioner had filed C.P No. D- 2106 of 2020, impugning this termination which was dismissed vide Order dated 03.10.2022 with the observations that the dismissal order cannot be challenged directly before this Court under Article 199 of the Constitution as the Petitioner has to avail the remedy as provided under the KPT Act, 1886. In that very order, (*authored by one of us namely Muhammad Junaid Ghaffar, J.*) inadvertently, it was observed that the appeal of the Petitioner shall lie before Chairman KPT; whereas, we have been informed by the KPT's Counsel that not only the impugned order for removal of the Petitioner from service has been passed by Chairman KPT; but so also the charge sheet was issued by him as he is the competent authority under Section 23(1)(a) of the KPT Act, 1886 as the Petitioner was a Grade-17 officer. It further appears that on the basis of aforesaid order of this Court, the Petitioner has filed an appeal before Chairman KPT. However, in view of the above provision of law Chairman KPT being the competent authority, cannot hear the appeal against his own orders.

In view of above and the peculiar facts and circumstances of this case, Respondent No.2 is directed to transmit the Appeal of the Petitioner before Respondent No.1, which is the competent authority under Section 23(2) of the Act (*ibid*). Upon transmission of the Appeal, the same shall be decided by Respondent No.1 / competent authority preferably within a period of 45 days from such date in accordance with law. Let a copy of this order be issued to the DAG's office, who shall transmit the order to Respondent No.1 as well.

Petition stands disposed of in the above terms with pending application(s), if any.

J U D G E

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