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**ORDER SHEET**  
IN THE HIGH COURT OF SINDH, KARACHI  
Const. Petition No.D-6084 of 2023

<i>Date</i>	<i>Order with signature of Judge</i>
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**Fresh Case**

1. For orders on Misc. No.28412/2023 (U/A)
2. For orders on office objection No.04.
3. For orders on Misc. No.28413/2023 (Exemp. App.)
4. For orders on Misc. No.28414/2023 (Stay)
5. For hearing of main case.

**18.12.2023:**

Mr. Rafiq Ahmed Kalwar, advocate for the petitioner.  
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1. Granted.
3. Granted subject to all just exceptions.
- 2, 4-5. While confronted as to maintainability of instant petition as the petitioner is civil servant and has a remedy to file representation before the competent authority, learned counsel for the petitioner has attempted to argue that since the entire proceedings against the petitioner are based on malafide, whereas, a very minor offence of wrong parking of the vehicle the petitioner has been given major penalty without adopting the legal course, therefore, petitioner has approached this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, as the Principle of Natural Justice has been violated and the petitioner has been awarded maximum punishment of dismissal from service while referring to the FIRs, which were not even the part of the Show Cause Notice or Charge Sheet for which the petitioner has already been acquitted. According to learned counsel for the petitioner, since this is a case of depriving the fair trial and violation of Principle of Natural Justice, therefore, bar under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, was not attracted. Prima-facie, from perusal of the record placed before this Court and the Show Cause Notice issued to the petitioner, it appears that petitioner has been removed from the service on the charges that he has parked his

vehicle in wrong side at No Parking Zone, whereafter, some harsh words were exchanged and there seems no allegation with regard to have chequered history of the petitioner relating to FIRs, wherein, according to learned counsel for the petitioner, he has been acquitted and inspite of such fact, awarding of major penalty to the petitioner under the circumstances, removal from service seems to be reasonable, however, we are still of the opinion that since the petitioner is not remediless as the forums are available to seek redressal of the grievance in accordance with law, therefore, it will be premature to examine these facts and be treated valid ground for filing instant Constitutional Petition without availing the remedy available by filing representation/appeal before the relevant forum in accordance with law.

While confronted with hereinabove position, learned counsel for petitioner does not press instant petition and will seek remedy available to the petitioner before the relevant forum in accordance with law.

Accordingly, petition stands disposed of along with listed application.

**ACTING CHIEF JUSTICE**

**JUDGE**

Nadeem