

**IN THE HIGH COURT OF SINDH, AT KARACHI**

**H.C.A. No. 340 of 2023**

**PRESENT:**

**MR. JUSTICE AQEEL AHMED ABBASI  
CHIEF JUSTICE**

**MR. JUSTICE ABDUL MOBEEN LAKHO**

Abdul Hameed Rathore

Versus

Hon'ble Registrar High Court of Sindh and others

**Date of hearing 19.12.2023**

Mr. Muhammad Ramzan Khushk, Advocates for the Appellant.  
Appellant is also present.

**ORDER**

**Abdul Mobeen Lakho, J.** Through instant High Court Appeal, Appellant, who is an employee of this Court and working as In-Charge Resident Branch has impugned the orders dated 09-06-2023 and 21.06.2023 passed by learned Single Judge in *Suit No.891/2023 (M/s.Hakimsons Impex Pvt. Limited.....v/s.....Federation of Pakistan & others)*, whereby a show cause notice issued to the appellant as to why contempt of Court proceedings should not be initiated against the appellant.

2. According to the learned counsel for the appellant, the learned Single Judge while hearing Suit No.891/2023 during summer vacations, holding sitting at New Annexe Building passed the impugned order dated 09.06.2023 observing that since the start of summer vacations air condition system was not working and staff of the Court has reported that despite complaint, no action has been taken by the concerned officials causing hardship to the learned Judge and the staff of the Court as well as learned counsel appearing for the parties. However, a show cause notice was ordered to be issued to the appellant being responsible, as to why proceedings of contempt of Court should not be initiated against the appellant. Per learned counsel, the appellant

submitted his detailed reply dated 12.06.2023 stating therein that the maintenance work was in progress regarding VRF System installed at the Courtrooms and Chambers in main building as well as new Annexe Building of this Court, however, after termination of contract with ex-contractor in the Month of March, 2023, new contractor (M/s.MEP Global Technologies) on the recommendation of Court Building Maintenance & Horticulture Committee has been inducted to carry out the maintenance work of air conditioning system.

3. Learned counsel for the Appellant argued that the learned single Judge while passing the impugned orders did not consider the facts that after expiry of contract of M/s M. Sadif, Contractor after January 2023 the maintenance work was assigned to M/s MEP Global Technologies to look-after the VRF system, however, the learned single Judge also issued show cause notice to the company; hence there is no fault of the appellant, which aspect has not been considered. According to him, the appellant is looking after the work as In-charge of Resident Branch-II which is working under the supervision of Secretary Services since 20.09.2020 has never received any complaint of whatsoever nature regarding repair to machineries, generators, air-conditions and VRF system and maintenance contract is being looked after by M/s. MEP Global Technologies. Per learned counsel, the complaint either in writing or verbal will be sent through whatsapp or email to M/s. MEP Global Technologies, who assesses the work and submits estimates which are placed before the Building Maintenance and Horticultural Committee of this Court and after approval of estimated costs the same will be placed before Hon'ble Chief Justice, thereafter, the Resident Branch issues work order. However, it is respectfully pointed out that quotation submitted by M/s MEP Global for carrying out maintenance is still in pendency before the said Committee. Learned counsel for the Appellant further contended that the appellant during his entire tenure of service has never received any notice, show cause notice, which was duly replied to follow by contempt of Court notice which is unjust, improper and without considering the reply of the appellant and prayed that both the impugned orders dated 09.06.2023 and 21.06.2023 may be set-aside.

4. Heard learned counsel for the appellant and perused the record of instant case. Before delving into the matter at hand, it necessary to first underscore the significance and purpose of a show cause notice. A show cause notice is a formal communication from an authority, informing the recipient of an alleged violation or non-compliance with a law, and providing them with an opportunity to respond to the said allegations. This ensures that the decision-maker is not biased, that the decision is based on the facts of the case and the relevant law, and that the recipient's rights and interests are protected. However, from perusal of the record, it appears that the appellant was neither party in the *Suit No.891/2023 (M/s.Hakimsons Impex Pvt. Limited.....v/s.....Federation of Pakistan & others)* nor has any nexus in the said case, however, instead of issuing separate directions to the concerned officials for carrying out the maintenance work of air conditioning system, a show cause notice was issued to the appellant as to why proceedings of contempt of Court should not be initiated against him. It is further observed that due to passing of impugned orders the parties in the aforesaid suit may suffer without any fault at their end. A show cause notice is an important tool for enforcing the law, but it should be ensured that the recipient has acted in violation of law and failed to comply with such law, but in the instant matter nothing has come forward to show that the Appellant is directly responsible for the delay in repair work of air conditioning system of New Annexe Building of this Court. The appellant has also submitted his reply to show cause notice, in which he has explained his position in detail.

5. For the foregoing reasons, instant High Court Appeal was allowed and the impugned orders dated 09.06.2023 and 21.06.2023 were set-aside vide short order dated 19.12.2023.

**Judge**

nasir