

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No. D-8502 of 2018

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Date: Order with signature of Judge

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1. For orders on MA No.19752/18
2. For hearing of MA No.37230/18
3. For hearing of main case

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05.8.2019

Mr. Faizan Memon for petitioner  
Mr. Safdar Depar AAG  
Mr. Hassan Abidi for respondent No.2  
.X.X.X.X.

Learned Counsel for the petitioner submits that the only question raised in this petition is that his services were terminated on account of alleged misconduct without any enquiry or show cause. Had it been a simple termination, things could have been different and he being a contractual employee could have applied elsewhere. Counsel submits that petitioner is carrying stigma in respect of allegations as raised against him without an opportunity to defend. Counsel for the petitioner has relied upon the cases of Muhammad Naeem Akthar vs. Managing Director, Water & Sanitation Agency LDA, Lahore & others reported in 2017 SCMR 356, The Secretary, Government of the Punjab & others vs. Riaz-ul-Haq reported in 1997 PLC (C.S) 873. He submitted that since that allegation of misconduct was made a ground of termination therefore, show cause or enquiry was necessary.

Learned Counsel for the respondent openly conceded that it is a matter of fact that he was terminated on account of misconduct without a proper show cause or enquiry hence he concedes that such termination of the contract is not in accordance with the settled law.

Since the Counsel for the respondent has conceded on the strength of the judgments referred by the petitioner's Counsel, we consider the termination letter that deals with the contract of the petitioner, to be contrary to law since a serious allegation of misconduct was raised. Petitioner's services could not have been terminated on the alleged misconduct without a show cause and/or enquiry as the case may be. Thus, the petition to the above extent that deals with the termination letter of the petitioner on alleged misconduct is allowed. Respondents, however, are at liberty to deal with the issue of alleged termination of the petitioner de novo, as they deem fit and proper according to law.

Judge

Judge