

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D-899 of 2024

[Muhammad Abid Rafique Vs. The Federation of Pakistan & others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Present:
Mr. Justice Muhammad Shafi Siddiqui C.J.
Mr. Justice Jawad Akbar Sarwana

For hearing of main case.

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08.10.2024

Mr. Muhammad Aslam, Advocate for the petitioner.
Ms. Wajiha Mehdi, D.A.G.

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Muhammad Shafi Siddiqui, C.J: Learned counsel has taken us to a brief history of the case. The proceedings commenced by way of an inquiry under the law for Protection against Harassment of Women at Workplace Act. It culminated into an order whereby the competent authority was pleased to impose a major penalty of removal from service with immediate effect. The inquiry report is available at page 83 and the order is available at page 81. The petitioner then attempted to exhaust the remedy before the Federal Ombudsman for Protection against Harassment of Women at the Workplace Islamabad. The petitioner's appeal was dismissed. The petitioner then approached the President Secretariat where he attempted last to avail remedy but all in vain as he failed in attempts to overturn the two orders impugned before the worthy President. Having failed in three attempts in three lower forums, now a petition under Article 199 of the Constitution of Islamic Republic of Pakistan was filed with the arguments that the inquiry concluded and evidence so recorded was not taken into consideration in its true spirit.

2. We have heard the learned counsel and perused the record. Article 199 of the Constitution as an automatic process does not provide remedy for every petitioner. The petitioner has not only surrendered himself for an inquiry that was conducted but he surrendered before the Federal Ombudsman where he preferred an appeal when he failed followed by a decision of the worthy President forwarded to him by the Director (Legal).

3. We cannot, become an appellate forum after the decisions of three forums below, reappraise the evidence recorded just to have another version which was concurrently settled by three forums below. This being a situation, no case within the frame of Article 199 of the Constitution, is made out and the petition is dismissed.

CHIEF JUSTICE

JUDGE

Asif