

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C.P. No.D-5175 of 2024

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Date

Order with signature of Judge

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Fresh Case:

1. For order on CMA No.23660/24 (U/A)
2. For order on CMA No.22869/24 (Ex/A)
3. For order on CMA No.22870/24 (Stay)
4. For hearing of main case.

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29.10.2024

Mr. Muhammad Ali Lakhani, Advocate for the petitioner.

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1. Urgency granted.
  
- 2-4. The petitioner, Abdul Sattar Jatoi son of Saadullah Jatoi, through instant Constitutional Petition, inter alia, seeks following relief:

- I. *Declare that he Impugned Inquiry / Investigation No bearing No.NABK20240912314304/IW-III/CO-B/NAB (K) /2024/K-4540 and the Impugned Call Up Notice dated 03.09.2024 by the Respondents Is illegal, arbitrary, coram non judice, malafide, ultra vires the NAB Ordinance, 1999 and void ab initio;*
- II. *Quash the (Inquiry/investigation) bearing No.NABK20240912314304/IW-III/COB/NAB(K)/2024/K-4540 emanating out of the maliciously motivated proceedings initiated by the Respondents against the Petitioner.*
- III. *Restrain the Respondent, their agents, subordinates or any officer acting under their authority from taking any coercive action against the Petitioner on the basis of the impugned call up notices / inquiry including, but not limited to, his arrest and detention and to strictly comply with the mandate of Article 4 of the Constitution.*
- IV. *Restrain the Respondents from further proceeding with the (inquiry/investigation) bearing No.NABK2024 0912314304 /IW-III/CO-B/NAB(K)/2024/K-4540 till the pendency of the instant Writ Petition.*

Learned counsel for the petitioner contends that the petitioner holds the position of Director of Liaquat University Hospital, having

been appointed to this BS-20 post vide Notification dated 24.09.2024; that the Constitutional Petition bearing No.D-1298/2024 was filed before this Court at the Circuit Court Hyderabad, wherein vide order dated 22.08.2024 the Chairman NAB and Director General NAB, Karachi, were directed to initiate an enquiry/investigation against the petitioner and pursuant to that order Deputy Director (Coord), Investigation Wing-III, National Accountability Bureau (Karachi) [respondent No.3], issued a Call-Up Notice under Section 19 of the National Accountability Ordinance, 1999 (**the Ordinance**), dated 30.09.2024, to the Secretary Health, Health Department, Government of Sindh, as a witness/custodian of record, to direct the officer concerned to appear in person before the Combined Investigation Team, headed by CO-B at Investigation Wing – III, on Wednesday 02.10.2024 at 1030 hrs., to join the inquiry; that the said Call-Up Notice, being illegal and arbitrary, has been impugned by the petitioner through this petition. He, while placing on record through a statement the Call-Up Notices dated 08.10.2024 and 17.10.2024 issued by the Deputy Director (Coord), Investigation Wing-III, further contends that such Call-Up Notices have also been issued to M.S. Liaquat University Hospital, Jamshoro-Hyderabad; hence, the petitioner apprehends his arrest pursuant to aforementioned Call-Up Notices; therefore, he seeks interim relief.

It is an admitted position that the subject inquiry has been initiated by respondent No. 3 pursuant to this Court's order dated 22.08.2024, whereby the Secretary Health, Health Department, Government of Sindh, has been directed to submit the relevant record

relating to the petitioner's service profile, including posting history, personal file, and Annual Assets Declarations, etc. Learned counsel for the petitioner has failed to produce any substantive evidence on record to demonstrate that the subject inquiry is ultra vires of the Ordinance. As far as the petitioner's apprehension of being arrested is concerned, it is an admitted position that to date, neither any Call-Up Notice has been issued to the petitioner nor has the Chairman NAB issued any warrant of arrest against the petitioner pursuant to Section 24 of the Ordinance. Hence, this petition, being devoid of merit, is dismissed in limine along with the listed applications.

JUDGE

JUDGE

*Tahseen*