

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
IInd Appeal No. 23 of 2018

Date: Order with signature of Judge

1. For orders on CMA No.1420/18
 2. For orders on office objections
 3. For orders on CMA No.1421/18
 4. For hearing of main case
 5. For orders on CMA No.1422/18
-

15.2.2018

Mr. Imtiaz Mansoor Solongi for appellant
.X.X.X.X.

1. Urgency application granted.

2 to 5: This second appeal is against concurrent findings of two Courts below. The suit for recovery of alleged salary was filed which was dismissed followed by dismissal of Appeal bearing No.50/2016. At some point of time the appellant remained abroad on account of his transfer on 08.9.2009 which period was completed somewhere in December, 2012. The period was extended up to 13.8.2013 whereafter the appellant allegedly fallen sick and granted leave in terms of documents available at pages No.203 onwards. When he came back to his parent destination, a show cause notice was issued which was earlier deferred but consequently the investigation and enquiry was conducted in respect of the eight months during which period he remained abroad on the basis of alleged sickness has gone against him. Such investigation and enquiry remained unchallenged and a suit bearing No.348/2013 was filed for recovery of alleged salary without challenging such investigation and enquiry. Even if the investigation and enquiry came after filing of the suit, the appellant could have amended the plaint and sought relief in respect of such investigation and enquiry in respect of show cause notice. In presence of investigation and enquiry against him which otherwise is not challenged findings of the trial Court as well as the appellate Court requires no interference and indulgence hence the appeal merits no consideration which is dismissed along with pending applications.


Judge

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.**

Ind A

NO.

23

OF

20

18

Date	Order with signature of Judge.
	<p style="text-align: center;"><u><i>Fresh Case</i></u></p> <ol style="list-style-type: none">1. <i>For Orders on CMA No.1420/2018 (Urgent)</i>2. <i>For Order on office objection a/w reply as at "A"</i>3. <i>For Orders on CMA No.1421/2018 (Exemption)</i>4. <i>For Hearing of Main Case</i>5. <i>For Orders on CMA No.1422/2018 (U/O 39 Rule1 & 2 CPC)</i>

IN THE HIGH COURT OF SINDH AT KARACHI

IIInd Appeal No. 23 of 2018

Anzar Ahmed Barakzai.....Applicant

VERSUS

Pakistan International Airlines,
Corporation & others.....Respondents

1. For orders on CMA No.1420/18
2. For orders on office objections
3. For orders on CMA No.1421/18
4. For hearing of main case
5. For orders on CMA No.1422/18

15.2.2018

Mr. Imtiaz Mansoor Solongi for appellant

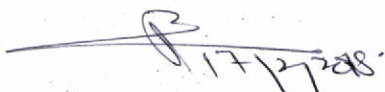
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Certified to be true copy,

Sd/- MUHAMMAD SHAFI SIDDIQUI
JUDGE.


Assistant Registrar (Civil/Writ SB)



(P.T.O)

IIInd Appeal.No-23 of 2018.

Karachi,dated: 17th February, 2018.

Forwarded for information and compliance to:

1. The IIIrd Additional District Judge Malir, Karachi in Civil Appeal No. 50/2016 Reg. Anzar Ahmed Barakzai VS Pakistan International Airlines & others.
2. The 1st Senior Civil Judge Malir, Karachi in Civil Suit No. 348/2013 Reg. Anzar Ahmed Barakzai VS Pakistan International Airlines & others.



17/2/2018
(Abdul Rasheed Baloch)
Assistant Registrar (Civil / Writ SB)