

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
H.C.A. No.405 of 2023

Date	Order With Signature Of Judge
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- 1.For order on CMA No.214/25
- 2.For hg of main case
- 3.For hg of CMA No.5081/23

27.02.2025.

Mr. Khalid Jawed Khan, advocate for appellant.
Malik Naeem Iqbal, advocate for respondent No. 1.
Mr. Gulfaraz Khattak, Assistant Attorney General.

MUHAMMAD IQBAL KALHORO, J:- When an inquiry was initiated against respondent No. 1 by the appellant on certain charges, respondent No. 1 filed a suit seeking stoppage of the said inquiry against him. Along with suit, he filed an application under Order 39 Rules 1 & 2 CPC, which has been allowed vide impugned order and the inquiry has been stopped against him. Yet, meanwhile, the inquiry has been completed and nothing adverse against respondent No. 1 has been found in it. Such statement has been filed by appellant, who has filed this appeal against the impugned order.

When respondent No. 1 came to know of the outcome of the inquiry in his favour, he has also filed an application claiming that since at the time of initiation of the inquiry he was posted as CFO, he shall be reinstated to the same post as nothing adverse has been found against him in the inquiry. Mr. Khalid Jawed Khan, advocate submits that for such purpose, respondent No. 1 may file an application before the competent authority and his application would be decided in accordance with relevant Rules and Regulations within a certain period. But since nothing has been found against respondent No. 1, his statement may be recorded and made a part of the record and this appeal may be disposed of in the said terms.

We, therefore, dispose of this appeal in the said terms as nothing adverse has been found against respondent No. 1 in the inquiry. However, if respondent No. 1 seeks his reinstatement to the same post viz. Chief Financial Officer, he may file an application before the competent authority which shall be decided in accordance with law within a period of two months. After two months or when the decision is made within that period, it shall be communicated to him enabling him to avail a further remedy, if available, in accordance with law. The appellant may finalize the inquiry proceedings meanwhile.

The appeal is accordingly disposed of in above terms along with pending applications.

JUDGE

JUDGE

HANIF