

Order sheet
IN THE HIGH COURT OF SINDH, AT KARACHI

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Muhammad Osman Ali Hadi

C.P No.D-5571 of 2024

(Hassan Ali Khan Laghari Vs. President of Pakistan & others)

**Date of hearing
& order : 29.04.2025**

Mr. Hassan Ali Khan Leghari, Advocate/Petitioner in person
Mr. R.D. Kalhoro, Assistant Attorney General

ORDER

MUHAMMAD IQBAL KALHORO, J:- Respondent No.3 (Syeda Gulbadan Shahid), working as Principal, Cantt Modern Montessori School, Nowshera Cantt filed a complaint before Federal Ombudsman for Protection against Harassment of Women at the Workplace, Islamabad against petitioner, working as Director Cantt. Admin (ML&C) Rawalpindi (now retired) alleging sexual harassment by him through inappropriate/vulgar messages on Whatsapp. Jurisdiction of the Ombudsman to entertain such complaint was challenged by the petitioner before Islamabad, High Court in Writ Petition No.214/2020, which was dismissed on 07.07.2022 and the Federal Ombudsman's jurisdiction to adjudicate upon such complaint was accepted.

2. The Federal Ombudsman proceeded with the matter and decided the same on 19.02.2024 declaring that petitioner was guilty of sexual harassment to the complainant by sending her inappropriate/vulgar messages on Whatsapp. Resultantly, a minor penalty u/s 4(4)(i)(d) of Protection against Harassment of Women at the Workplace Act, 2010 was imposed upon the petitioner directing him to pay an amount of Rs.1,000,000/- to the complainant / respondent No.3; or the same shall be deducted from his pension.

3. This judgment petitioner challenged before the President of Pakistan in the form of a representation, the same has been dismissed vide impugned order dated 11.09.2024. Petitioner, who has meanwhile become an advocate, has challenged the same before this Court.

4. On 21.01.2025 when this petition was taken up, the petitioner was put on a notice to satisfy the Court about territorial jurisdiction of this Court. Today, in response, he has relied upon the following case laws reported in **1985 SCMR 758, 2017 SCMR 1179, PLD 1968 SC 387 and 2009 CLD 1498** to show that this petition is maintainable before this Court. The core of his arguments is that he has started living in Karachi after his retirement and since the order impugned affects

him here in Karachi, this Court has jurisdiction to adjudicate upon this matter. However, we are not persuaded by his arguments. The cause of action to file complaint arose to respondent No.3, who is currently residing in Peshawar, in Nowshera, KPK within jurisdiction of Federal Ombudsman, Islamabad at the time when petitioner was posted as Director Cantt. Admin (ML&C) Rawalpindi. The complaint was filed before Federal Ombudsman at Islamabad, the jurisdiction of the Federal Ombudsman was challenged by the petitioner himself before the Islamabad, High Court. The pension of the petitioner, which has been ordered to be deducted in order to give effect to the directions by the Federal Ombudsman is issued from the Rawalpindi/Islamabad.

5. It is a settled proposition of law that the Court within whose terrestrial limit the cause of action wholly or partially has either accrued or defendant resides, or carries on business, or personally works for gain, has the jurisdiction to entertain the suit/petition, application, etc. In this case, neither the cause of action has accrued wholly or partially, nor respondent No.3 resides etc. within territorial jurisdiction of this Court, hence, we are of the view that this Court has no jurisdiction to entertain this petition just because petitioner after his retirement happens to reside in Karachi. Therefore, we dismiss this petition for want of territorial jurisdiction. The petitioner, however, would be at still liberty challenge the impugned order before the relevant High Court in accordance with law.

This petition is disposed of in above terms along with pending applications.

JUDGE

JUDGE

Rafiq/PA.