

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

**C.P.No.D-5440 of 2019**

Date	Order with signature of Judge
------	-------------------------------

For hearing of main case

**06.05.2025**

Mr. Muhammad Talha Abbasi advocate for the petitioner  
Ms. Wajiha Mehdi Asstt. Attorney General  
Mr. Muhammad Wasif Riaz advocate for respondents

-.-.-.-.-.

The main grievance of the petitioner is that on account of his unauthorized absence from duty, major penalty of compulsory retirement was imposed upon him. The petitioner preferred a departmental appeal against imposition of such penalty, however, the Appellate Authority converted the penalty of compulsory retirement into removal from service, hence the petitioner has challenged the penalty of removal from service through instant petition.

At the very outset, question of maintainability arose. Learned counsel for the petitioner states that petition is maintainable against a public limited company.

On the other hand, learned counsel for respondents/OGDCL states that this petition is not maintainable. In support his submission, he placed reliance upon unreported order dated 29.10.2019 passed by Islamabad High Court in W.P.No.3745/2019 (Zahid Rafiq vs. OGDCL through its Managing Director and others) and order dated 17.11.2022 passed by Hon’ble Supreme Court in C.P.No.4826/2019 (Zahid Rafiq vs. OGDCL through its Managing Director Islamabad etc).

We have heard learned counsel for the parties and perused the record as well as relevant law relied upon by them.

It would be relevant to reproduce order dated 17.11.2022 passed by Hon’ble Supreme Court in C.P.No.4826/2019 (Zahid Rafiq vs. OGDCL through its Managing Director Islamabad etc), which is set out below for ease of reference:

*“The petitioners were appointed by the respondent company and the terms and conditions of service of the petitioners are not governed by any statutory rules, hence the relationship between them is that of master and*

*servant. Therefore, we find no jurisdictional error, illegality or procedural irregularity in the impugned order and are of the view that the impugned order does not warrant any interference. Leave is therefore, declined and this petition is dismissed."*

This order of Hon'ble Supreme Court makes it clear that employees of OGDCL have no jurisdiction to approach this Court as their terms and conditions of service are not governed by any statutory rules, hence the relationship between them is that of master and servant. We have also found no jurisdictional error, illegality or procedural irregularity in the impugned order and are of the view that the impugned order does not require any interference by this Court.

Based on the above order of Hon'ble Supreme Court, this petition is dismissed being not maintainable along with all pending applications.

HEAD OF CONST. BENCHES

JUDGE