

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Suit No. 974 of 2020

Date	Order with signature of Judge
1. For orders on CMA No.6806/2020.	
2. For orders on CMA No.6807/2020.	

17.8.2020:-

Mr. Kh. Shamsul Islam, Advocate for Plaintiff.

1. Granted.
2. Per learned counsel plaintiff belongs from a respectable and noble family and was appointed as Appraiser in the year 1996. He has referred to the transfer orders of the plaintiff Viz. to Karachi on 03.5.2017, to Islamabad on 04.5.2017, to Hyderabad on 10.5.2017, to Lahore on 19.9.2018, to Karachi on 03.12.2018, to Gawaar on 07.8.2019, to Turbat on 08.8.2019, to Gawadar on 14.01.2020, to Hyderabad on 29.1.2020, to Sukkur on 19.2.2020, to Hyderabad on 29.01.2020, to Sukkur on 19.2.2020, to Hyderabad on 27.03.2020, to Karachi on 27.7.2020 and by impugned order No.47/2020 dated 29.07.2020 whereby plaintiff Irshad Ali Shah, Principal Appraiser, Directorate of I&I-Customs, Regional Office, Hyderabad was put on hold pending decision on Director, I&I-Customs Islamabad, copy of the same is enclosed as Annexure 'D/1' at Page No.143 of the memo of plaint. He contends that plaintiff was frequently transferred to various places in Pakistan in violation of the rules of business as well as the dicta laid down by the Hon'ble Supreme Court of Pakistan in the cases of Anita Turab reported in PLD 2013 SC 01 as well as in the case of A.D. Khawaja reported in PLD 2018 Sindh 08, which order was maintained by the Hon'ble Supreme Court of Pakistan in CPLAs No.148 to 150 of 2018.

Learned counsel for the plaintiff further contends that defendant No.3 has attempted to malafidely implicate the plaintiff in a false FIR without mentioning the name of the plaintiff in the FIR nor in the Challan submitted before the trial Court. He also contends that even during the inquiry conducted by the defendant No.2 no specific role has been assigned as is evident from the report already submitted and is enclosed as

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MR.

Annexure 'E' at Page No.145 of the file. He has also referred a report of SDPO Market Hyderabad on an application of the plaintiff wherein it is mentioned that as per received CDR dated 20.5.2020 there is only call record (dated 20.5.2020) of applicant Syed Irshad Ali Shah without mentioning his location data hence it could not be cleared that on 20.5.2020 applicant Syed Irsahd Ali Shah was in Hyderabad or otherwise, copy of such report is available at Page No.149 of the court-file. Learned counsel has also referred to an order passed on 18.12.2017 in C.P. No.D-8632/2017 by a Division Bench of this Court in which I was one of the members in the case filed by Marghoob Ahmed Siddiqui who was posted as Collector, Collectorate of Customs (Adjudication-I) Karachi and was transferred from that post in violation of the direction given by this Court and the Division Bench while issuing the notice in that case to the respondent and DAG the impugned notification was suspended.

Issue notice to the defendants and DAG for 09.09.2020. Till the next date of hearing, operation of the impugned order No.47/2020 dated 29.07.2020 (Annexure D/1) shall remain suspended.

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MR. JUSTICE AGHA FAISAL

S.M Mushtaquddin
vs
Sullah Khan @ Jog & others

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