

Form No: HCJD/C-121.

**ORDER SHEET**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

W.P. No. 872 of 2013

Bari Khan  
Vs  
OGDCL, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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- 18) 06-02-2020. Mr Muhammad Ramzan Khan Advocate, for the petitioner.  
Mr Mushtaq Hussain Bhatti Advocate, for the respondents.

Through this petition, the petitioner has assailed order, dated 08-02-2013.

2. With the able assistance of the learned counsels, the impugned order has been perused.

3. It is evident from the impugned order that reference has been made to some order passed on 26-12-2011, while this Court had given the direction vide order, dated 14-12-2012, passed in W.P. No. 4223/2012. It is, therefore, apparent that the competent authority without application of an independent mind and taking the relevant matters into consideration appears to have decided the appeal vide order, dated 08-02-2013, in a

perfunctory manner. The impugned order is thus not sustainable.

4. In view of the above, this petition is **allowed** and order, dated 08-02-2013, is hereby set aside. The appeal preferred by the petitioner shall be treated as pending before the competent appellate authority. The latter after affording an opportunity of hearing to the petitioner is expected to pass a speaking order, inter-alia, taking into consideration the law laid down by the august Supreme Court in the cases titled *Arif Ghafoor Vs. Managing Director, H.M.C., Taxila and others'* (PLD 2002 SC 13), '*Muhammad Iqbal Vs. District Police Officer, Sahiwal and another'* (2011 SCMR 534), '*Falak Sher Vs. Inspector General of Police, Punjab and 2 others'* (2005 SCMR 1020), '*Nazir Ahmed Vs. Capital City Police Officer, Lahore and another'* (2011 SCMR 484), '*Syed Muhammad Iqbal Jafri Vs. Registrar, Lahore High Court, Lahore'* (2004 SCMR 540), '*Khaliq Dad Vs. Inspector General of Police and 2 others'* (2004 SCMR 192) and '*Muhammad Ayub Vs. The Chairman Electricity Board, WAPDA, Peshawar and another'* (PLD 1987 SC 195). In the said judgments the apex Court has held that disciplinary proceedings and criminal proceedings are independent of each other. The appellate authority is also expected to take into consideration the principle of proportionality in light of the law laid down in the case

titled "Sabir Iqbal v. Cantonment Board, Peshawar through Executive officer and others" [PLD 2019 S.C. 189].

5. This Court expects that the competent appellate authority will pass a speaking order at the earliest, preferably within 45 days from the date of receiving a certified copy of this order.

*CHIEF JUSTICE*

Tanveer Ahmed.