

3. Conversely, learned counsel for the respondents university contends that the petitioner was found in drunk position in the duty hours on 10.09.2016 by one of the mangers of female hostel Fatima-1, Ms. Bushra Jabeen, therefore, he was taken to MI Room of NUST and later on to PIMS hospital, where-after the authorities initiated action and as a result of the same the petitioner preferred his resignation in order to avoid departmental proceedings of misconduct; that resignation of the petitioner was approved by Director HR, where-after the petitioner filed representation after considerable delay of two months and then he approached National Commission of Human Rights for his grievance although the respondents university afforded number of opportunities to the

petitioner to justify his position and to explain the circumstances in which he was found involved in criminal activities but despite issuance of show cause notices, he failed to appear before the authorities.

4. I have heard the arguments and perused the record.

5. Perusal of the record reveals that the petitioner was employed as Sanitary worker w.e.f. 08.10.2009 with NUST, who was performing his duties till 11.09.2016 when all of sudden he was stopped by security staff posted at main gate of NUST on the ground that he was not allowed to enter in the premises as his resignation was accepted vide letter dated 23.09.2016. The petitioner has denied the entire claim of resignation application attributed to him, wherein the respondents university has taken the stance that the petitioner was found in drunk position in female hostel Fatima-1 by Manager Ms. Bushra Jabeen. The petitioner after his resignation filed representation, which was accepted as no appeal lies against the resignation under the NUST statutes in such circumstances.

6. As per record the petitioner filed complaint before National Commission of Human Rights, whereby on the direction of the Commission, the petitioner was afforded an opportunity of hearing through show cause notices dated 14.07.2017, 21.07.2017 and 28.07.2017 but despite those notices, the petitioner did not appear before the President Board of Inquiry and as such the petitioner avoided to appear before the Board of Inquiry of NUST despite several notices.

7. Besides the above referred position, the question which remained unattended regarding unpaid dues and charges by the petitioner, which have not been cleared by the respondents university. While considering this background, I have confronted learned counsel for the petitioner to justify through any record, whereby the claim submitted by the petitioner regarding forced resignation can be justified but despite best efforts the entire record is silent to that extent, even there is no mechanism highlighted before this Court that there is no other mode of resignation, which has been applied by the petitioner in the alleged application.

8. While considering the above background, the resignation has been accepted by the respondents university under their statutes, a notification was issued on 23.09.2016, where-after in second round, when show cause notices were issued for personal appearance of the petitioner by the President of Board of Inquiry, the petitioner failed to

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put appearance, which clearly establishes that the petitioner avoided the proceedings with his own free will.

9. At last I have attended the alleged application for resignation of the petitioner, which clearly establishes the conduct of the petitioner, who voluntarily tendered his resignation and desired to leave service. Nothing is on record that the petitioner did not tender his resignation voluntarily or he was pressurized to tender his resignation. In this backdrop, I have taken into account reported judgment of this Court 2017 PLC (C.S) 955 (Asjad Asad Wasi vs. Federation of Pakistan through Secretary, M/o Railway and another), whereby afterthought claim of the petitioner cannot be considered especially when the resignation was already accepted by the respondents authority under the statutes, even considerable time has been elapsed, which has not been explained by the petitioner as to why he kept silent for such a long time.

10. In view of the above reasons, the instant writ petition bears no merits, therefore, the same is hereby dismissed.

(MOHSIN AKHTAR KAYANI)
JUDGE

R. Anjam