

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.1260-2020

Mumraiz Khan

Vs.

Government of Pakistan 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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29.04.2020 Mr. Gul M. Khan, Advocate for petitioner.

Through the instant petition, the petitioner has assailed order dated 18.03.2020, whereby he has been dismissed from service on the recommendation of Inquiry Committee constituted under Protection against Harassment of Women at Workplace Act, 2010.

2. At the very outset, learned counsel for the petitioner was confronted with the maintainability of instant petition on account of the fact that appeal is provided against orders passed by the inquiry committee before the Ombudsman under section 6 of Protection against Harassment of Women at Workplace Act, 2010; learned counsel acknowledged that remedy of appeal exists under the Act, however, submitted that impugned order is *coram non judice* hence is void.

3. Arguments advanced by learned counsel for the petitioner have been heard and the documents, placed on record, examined with his able assistance.

4. The petitioner was proceeded against under the Protection against Harassment of Women at Workplace Act, 2010 on the complaint filed by respondent No.6. The Inquiry Committee, after holding inquiry, recommended dismissal of petitioner from service and pursuant thereto, the impugned Office Order dated 18.03.2020 was issued.

5. Under section 6 of Protection against Harassment of Women at Workplace Act, 2010, remedy of appeal against the recommendations/decision of the Inquiry Committee is provided hence petitioner has an alternate and efficacious remedy. The right of appeal is not restricted to only question of fact but also question of law, arising in the circumstances of the case. It is trite law that where there is alternate and efficacious remedy, petition under Article 199 of the Constitution is not maintainable.

6. Even-otherwise, the petitioner is an employee of Ministry of Commerce hence is a civil servant. The issue of dismissal from service pertains to terms and conditions of service hence bar under Article 212 of the Constitution is also attracted in the present case.

7. In view of above, instant petition is not maintainable and is accordingly dismissed in limine.

(AAMER FAROOQ)
JUDGE