

THE HIGH COURT OF SINDH, KARACHI

No. Gaz /P.F/1158

Dated: 26-01-2023

ORDER

WHEREAS on the complaint made by Mr. Muhammad Hussain Khatri, Ex-Senior Office Associate of this Court, against Mr. Mujeeb-ur-Rehman, Assistant Registrar (time scale BPS-19) of this Court (hereinafter referred to as "the incumbent") regarding involvement of incumbent in the corruption and misappropriation of funds annexing therewith the audio recording file comprising 36:15 minutes of conversation between the incumbent and Mr. Muhammad Hussain Khatri.

AND WHEREAS the Hon'ble Chief Justice/Appointing Authority had ordered on 04.01.2023 to place the incumbent under suspension on the charges of "misconduct" and "corruption" with immediate effect and appointed Hon'ble Mr. Justice Agha Faisal as Enquiry Officer in terms of Rule 13 Sub-rule (3) (b) of the Sindh High Court Establishment (Appointment and Service Conditions) Rules, 2006, to conduct a fact finding enquiry or to examine evidence in order to ascertain the matter.

AND WHEREAS the incumbent after hearing the audio admitted before the Enquiry Officer that it was an accurate recording of conversation took place between him and Mr. Muhammad Hussain Khatri. In the enquiry proceedings, the three witnesses, colleagues/subordinates of the incumbent, after hearing the audio file have recognized the voice and stated that the persons conversing in the audio are the incumbent and Mr. Muhammad Hussain Khatri.

AND WHEREAS the enquiry report reveals that the audio file directly incriminates the incumbent in the corruption/misappropriation of funds. The enquiry report proves involvement of the incumbent in the matter of corruption and misappropriation of funds. Hence, a Final Show Cause Notice in terms of Rule 13 of the Sindh High Court Establishment (Appointment and Service Conditions) Rules, 2006 dated 11.01.2023 was served upon the incumbent alongwith enquiry report, its annexure and audio file with transcription in Urdu. However, the incumbent neither in his statement nor in reply to the Final Show Cause Notice denied the allegations viz-a-viz his involvement in the financial scam.

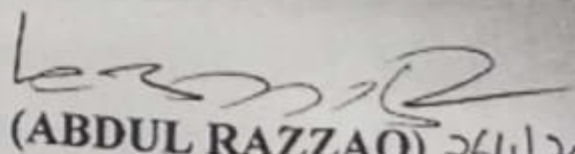
AND WHEREAS in the interest of justice and fair play, the incumbent was afforded personal hearing before the Hon'ble Chief Justice/Appointing Authority to dilate his position. During the hearing while professing innocence the incumbent conceded to have issued two cheques of Rs. 500,000/- (Rupees Five Lacs) each, as inducement, for Mr. Muhammad Hussain Khatri, just to save his skin. This by itself fortifies involvement of incumbent in the episode and misconduct.

AND WHEREAS upon perusal of the transcribed audio file, available on record, in above context where the incumbent himself accepted without any coercion his voice and that of Mr. Khatri, clearly shows that he has committed misconduct and fallen prey to the acts of corruption.

AND WHEREAS in the case of Khalid Perviz v. State (2021 SCMR 522) the Honourable Supreme Court, inter alia, observed that "mere production of CDR DATA without transcripts of the calls or end to end audio recording cannot be considered/used as evidence worth reliance. Besides the call transcripts, it should also be established on the record that callers on both the ends were the same persons whose call data is being used in evidence". In the instant matter the incumbent never disowned his voice and stated that "the voice in the audio recording as mine and the statements made are entirely mine." Moreover, under the law, the audio tape or video can be relied upon and produced as evidence, particularly, when the persons conversing in the audio file appeared and recorded their statements, inter-alia, as to the genuineness of their voices. In the instant case both the conversing persons appeared and recorded their statements before the learned Enquiry Officer.

AND WHEREAS the Hon'ble Chief Justice / Appointing Authority after considering the material available on record, particularly the audio file and its transcript, observed that the charges of "corruption" and "misconduct" stood proved against the incumbent.

THEREFORE, the Hon'ble Chief Justice/Competent Authority in exercise of powers conferred under Rule 13 (1) of the Sindh High Court Establishment (Appointment and Conditions of Service) Rules, 2006, has imposed major penalty of 'Dismissal from Service' prescribed in Rule 13 (2) (g) of the Sindh High Court Establishment (Appointment and Conditions of Service) Rules, 2006 upon Mr. Mujeeb-ur-Rehman, Assistant Registrar (time scale BPS-19) of this Court.


(ABDUL RAZZAQ) 26/11/2023
REGISTRAR

Copy forwarded for information and necessary action to:-

1. The Accountant General Sindh, Karachi.
2. The Additional Registrars, Circuit Court Hyderabad, Larkana and Bench at Sukkur.
3. The Secretary to Hon'ble Chief Justice.
4. The I/C Director I.T of this Court for uploading on official website of this Court.
5. The Director, Information Department, Government of Sindh, Karachi for publication.
6. The Assistant Registrar (Budget) of this Court.
7. The Accounts Officer of this Court.
8. P.A to Learned Registrar.
9. The Accounts Officer Pre-Audit Extension Counter (A.G. Sindh) at High Court of Sindh, Karachi.
10. The concerned officer.
11. Personal File.