

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-7742 of 2022  
(Bilal Ahmed v Government of Sindh & others)

Date	Order with signature of Judge(s)
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**For Direction**

For orders as to maintainability of petition.

**Date of hearing and order: 27.08.2025**

Ms. Faryal Ishaque advocate for the petitioner  
Mr. Ali Safdar Depar, Assistant Advocate General  
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**ORDER**

**Adnan-ul-Karim Memon,**                      The petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- I.            *To pass an order for reinstating the petitioner and set aside the Final order dated 31--01.2022 passed by SP PHQ East Zone/Respondent No.4 vide Final Order o. SP/HQ/EZ/DP/18682-97 and order dated 05.07.2022 passed by Deputy Inspector General of Police (DIG)/ respondent No.2 by taking a lenient view on humanitarian grounds*
2.            Petitioner, a police officer appointed in Karachi on July 24, 2012, was dismissed from service due to extended absence. The officer, who had become addicted to drugs and was undergoing treatment, was absent from duty from February 29, 2020, to January 7, 2022. Despite explaining his illness, the Superintendent of Police, East Zone, dismissed him on January 31, 2022, based on the charge of unauthorized absence. His appeal was also dismissed on July 5, 2022, on the same analogy.
3.            The petitioner's counsel argued for reinstatement on compassionate grounds, citing the petitioner's drug addiction recovery and "spotless" 10-year service record. The appeal for reinstatement was rejected on July 5, 2022, despite the hospital declaring the petitioner physically and mentally fit for duty. The counsel emphasized that the petitioner is his family's sole provider and requested this court to overturn the dismissal from service and appellate orders. She prayed for allowing the petition.
4.            The Assistant Advocate General argued for the dismissal of the petition, stating that the petitioner had a history of unauthorized absences. The petitioner's explanations were deemed unsatisfactory, and he was previously dismissed on August 28, 2019, for 268 days of absence. The

current petition is not maintainable because the petitioner was again dismissed on January 31, 2022, for a more extended absence of 678 days. Besides his appeal was regretted and he has remedy against the dismissal from service order before the Sindh Service Tribunal under Article 212 of the Constitution. He prayed for dismissal of the petition.

5. We have considered the arguments of the learned counsel for the petitioner on the maintainability of this petition under Article 199 of the Constitution.

6. Sindh Civil Servants, are governed by the Sindh Service Tribunal Act, 1973, generally cannot file Constitutional Petitions under Article 199 of the Constitution for service matters, including termination. This is because the Sindh Service Tribunal has exclusive jurisdiction over service matters, as per Section 3(2) of the Act and Article 212 of the Constitution. The Supreme Court in *Azhar Ali Khan Baluch v. Province of Sindh* (2015 SCMR 456) held that "Terms and Conditions of Service" fall under the Service Tribunal's jurisdiction. Civil Servants have a remedy before the Sindh Service Tribunal against Dismissal and Appellate Orders.

7. When confronted with this position, counsel for the petitioner candidly agreed to the extent that the petitioner may be allowed to avail the service remedy before the Sindh Service Tribunal against the impugned orders.

8. In view of the above, this petition stands disposed of, directing the petitioner to seek a remedy before the Sindh Service Tribunal. This court notes that the petitioner has been pursuing the wrong legal channel since 2022 and the Service Tribunal may address the case if it deems it appropriate.

JUDGE

Head of the Constitution Bench