

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D – 1781 of 2025

[Afzal Hussain Baloch *versus* Province of Sindh and 3 others]

Present:

Mr. Muhammad Faisal Kamal Alam, J.

Mr. Jawad Akbar Sarwana, J.

Date of hearing : 24.09.2025.

Date of Decision : 24.09.2025.

Petitioner : Afzal Hussain Baloch, through Mr. Muhammad Arshad Khan Tanoli, Advocate.

Respondent No.1 : Province of Sindh, through Mr. Abdul Jalil A. Zubedi, Assistant Advocate General Sindh.

Respondents No.2 to 4 : The National Institute of Cardiovascular Diseases and 2 others, through M/s. Muhammad Zeeshan Abdullah, Saalim Salam Ansari, Advocates, along with Ms. Sidra Hussain and Okash Mustafa, Advocates.

ORDER

Through this Petition, the Petitioner has challenged the Posting / Appointment of Respondent No.4 [Syed Mustafa Hasan] as Administrator of Respondent No.2 – NICVD vide Office Order dated 04.11.2023 [at page-71].

Mr. Muhammad Arshad Khan Tanoli, Advocate appearing for the Petitioner, contended that the Respondent No.4 is not qualified person to hold the Post of Administrator of Respondent No.2 – NICVD, because he does not possess the requisite academic qualification, that is, Master of Business Administration as mentioned in the National Institute of Cardiovascular Diseases Employees [Service] Regulations 2016 – 2017 – the **Service Regulations** [at page-29 and 51]. Contended that almost two

years have passed and the Respondent No.4 is holding the Post illegally. Has placed relied on the case law reported as **1997 S C M R 1730** [*Pakistan Railways through G.M., Lahore and another versus Zafarullah, Assistant Electrical Engineer and others*].

Mr. Muhammad Zeeshan Abdullah, Advocate appearing for the Respondents, has opposed the above arguments of Petitioner's counsel and argued on the basis of Parawise Comments of Respondents. Argued that the impugned Office Order has not appointed Respondent No.4 as Administrator, but he is holding charge as a stopgap arrangement, thus, Petition is not maintainable. It is not disputed that Respondent No.4 possesses the Degree of Bachelor of Arts in Third Division and working as Senior Officer [BS-18] in Respondent No.2 – NICVD, but states that due to the impediment created by Respondent No.1 – Sindh Government, which is not taking any decision on the above Service Regulations, the regular appointments cannot be made. Has referred to the Minutes of 83rd Governing Body Meeting [dated 28.03.2025], that this issue was discussed in Agenda No.4 [pages-119 to 121].

No Parawise Comments are filed on behalf of Respondent No.1 – Sindh Government.

Learned counsel for the Petitioner, in rebuttal, has referred to his Statement dated 17.09.2025 and documents appended therewith and in particular advertisement of March 2025, that still Respondent No.2 – NICVD is recruiting different professionals / persons for different Posts.

We are not convinced with arguments of the Respondents' Counsel in view of the above discussion. Fact of the matter is that Respondent No.4 is not eligible person to hold this Post as he lacks academic qualification. Even if the argument of Respondents' counsel is accepted, that he has not

been appointed, but the Office Order has only permitted him to hold the Charge of Administrator as a stopgap arrangement to look after day-to-day operations, one year, ten months and twenty days' period is sufficient for the Official Respondents No.1 to 3, to select and appoint an eligible person for such an important Post of Administrator.

Consequently, this Petition is accepted only to the extent, that within four weeks from today, some eligible person should be appointed or directed to hold Charge as the Administrator of Respondent No.2 – NICVD, failing which adverse consequences can follow not only against the Administration of Respondent No.2 – NICVD but also against the Government Officials.

In view of the above, this Petition is allowed only to the extent of prayer clause 'A'. *Whereas*, learned counsel for the Petitioner does not press this Petition to the extent of other prayer clause 'B' to 'F', accordingly, this Petition stands dismissed as not pressed to that extent. Pending Application(s), if any, also stands disposed of. No order as to costs.

Judge

Judge

Karachi.
Dated: 24.09.2025.

Riaz / P.S.