

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. D - 6443 of 2024

Date	Order with signature(s) of Judge(s)
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Priority

1. For orders on CMA No.1844/2026
2. For hearing of CMA No.28754/2024
3. For orders as to maintainability of petition

30.01.2026

Mr. Ali Asadullah Bullo, Advocate for the petitioner.
Ms. Zahrah Sehr Vayani, Assistant Attorney General for Pakistan.

MUHAMMAD SALEEM JESSAR, I : This matter is fixed for 16.03.2026, however, learned counsel for the petitioner pleads urgency and desires to argue the matter at this stage. Learned Assistant Attorney General present in Court in connection with other matters, waives notice and conceded to the request of the learned counsel for the petitioner for arguing the matter at this stage. Order accordingly.

2. Through this petition, the petitioner has sought for the following reliefs:

- i. Declare the impugned Notification dated: 10-10-2024 issued by the Respondent No. 01 as illegal, Violative of the Rules of 2022 and in contravention of the dicta laid down by the Hon'ble Supreme Court of Pakistan and set aside the same. 1973.
- ii. Direct the Respondent No. 1 to post an eligible officer of Bs-20 to the position of Director General Pakistan Marine Fisheries department as required under the Rules of 2022.
- iii. Restrain the Respondents, their agents, employees or anybody acting on their behalf from taking any adverse / coercive action against the Petitioners.
- iv. Any other relief(s) this Hon'ble Court may deem fit in the given circumstances and in the great interest of justice."

3. Learned counsel for the petitioner contends that respondent No.3 is a Grade-19 Officer and he has been appointed by way of transfer to the post of Director General in Fisheries Department, which is a Grade-20

post. He further contends that the appointment of respondent No.3 is illegal, void and *ab initio*, thus not sustainable under the law and the same may be declared illegal and impugned notification dated 10.10.2024 may be set aside and Respondents may be directed to appoint an officer of Grade-20.

4. Learned Assistant Attorney General argues that the petitioner was an unwilling worker, he was given notices for his misconduct time and again and being annoyed with the said notices, the petitioner has preferred the present petition with mala fide intention and ulterior motives. She further argues that respondent No.3 was appointed as Director General in Marine Fisheries Department as officer in Grade-20 was not available. She submitted that since the year 1998 the officers of Grade-19 held this position on current charge basis and the petitioner never objected upon the appointment of the previous officers. She submits that the petitioner was served with show cause memos dated 20.08.2018 and 10.04.2023 and in order to harass the respondent No.3 and to get the favourable results in the said memos, he has preferred the instant petition. She, therefore, prayed that the present petition may be dismissed as the same lacks or basic ingredient for lying the claim for issuance of writ of *quo warranto*.

5. Heard arguments and perused the material available on record.

6. Perusal of the record reveals that respondent No.3 was appointed as Director General in the Marine Fisheries Department for three years vide notification dated 10.10.2024. Perusal of the Marine Fisheries Department Rules reveals that the position of the Director General is a promotional post of Grade-20 and admittedly respondent No.3 is a Grade-19 officer. However, it is apparent from the record that since 1998 due to non-availability of the person in Grade-20, this position is being held by a Grade-19 officer.

7. To lay the claim for issuance of writ of *quo warranto*, the petitioner has to satisfy, inter alia, that the office in question is a public office and it is held by usurper without lawful authority and the petitioner is not having any special kind of interest against the alleged usurper and he being a member of the public was acting under bonafide. Once this junction is crossed, then the Court will proceed further to make an inquiry as to whether the appointment of the alleged usurper has been made in accordance with the law or not. A writ of *quo warranto* is maintained to

settle the legality of holder of a statutory or commercial office and to decide whether he was holding such public office in accordance with the law or against the law.

8. When confronted as to how the petitioner was aggrieved and in what manner any of the rights of the petitioner were infringed. Counsel for the Petitioner argued that Petitioner was employee of the Respondent department and issue agitated by him related to good governance which is the fundamental right of an individual. No doubt good governance and rule of law are the basic requirements of a society to flourish, but petitioner has failed to demonstrate that how the appointment of respondent No.3 resulted in bad governance. The filing of the petitions demonstrated the interest of the relator that he intended to pressurize the appointee for his personal interest as he was facing disciplinary proceedings before Respondent No.3. The frequent filing of the petitions by the petitioner aimed nothing but to harass the Respondent No.3 and to get desired result in the inquiry. The petitioner has failed to demonstrate his bona fide for filing of writ petition for the enforcement of good governance. In their comments, the respondent Nos.1 and 2 have stated that the memos regarding misconduct of the petitioner have been issued against him, which are pending adjudication before the respondent No.3 and in order to get the desired results, the present petition has been preferred, which speaks about the malafide of the petitioner and sufficient to decline his request for issuance of a writ in the nature of *quo warranto*.

9. In the wake of above discussion the instant petition fails and is accordingly dismissed along with pending application(s) if any.

**JUDGE
HEAD OF CONST. BENCHES**

JUDGE

Azeem

Approved for Reporting