

IN THE HIGH COURT OF SINDH KARACHI

Before:

Justice Muhammad Saleem Jessar

Justice Nisar Ahmed Bhanbhro

CP No.D-4930 of 2025

(Muhammad Khurram Hassan Khan v. Province of Sindh and 04 others)

Syed Bashir Hussain Shah, Advocate for the Petitioner

Mr. Muhammad Kamran Baloch, Assistant Advocate General

Mr. Asif Ali Khawaja, Advocate for Respondents No.2, 4 and 5

Date of hearing and order:

27.02.2026

ORDER

MUHAMMAD SALEEM JESSAR, J. Through this petition, the petitioner claims following relief(s):-

"A) To suspend the operation of impugned letter dated 22.09.2025 issued by the respondent No.4 till the disposal of the petition.

B) To allow the petitioner to continue his professional duties against his designation as "head of procurement"

C) To direct the respondent No.4 & 5 not to interfere in the working duties of the petitioner.

D) To declare that the impugned order is nullified and repugnant to the law hence ab initio void.

E) To declare that in presence of duly appointed HOD the post could not be vacated without due process of the law and incompetent person could not be given the charge of acting HOD.

F) To restore the operation of procurement department into its original form before the issuance of administrative order dated 22.09.2025."

2. Learned counsel for the petitioner submits that the petitioner is a Grade-19 officer and he was working as Head of Department (**HoD**) Procurement in National Institute of Cardiovascular Diseases (**NICVD**) and vide impugned order dated 22.09.2025, Respondent No.5 has been appointed as Acting HoD Procurement under the so-called scheme of restructuring of the Procurement department. He contends that the action on the part of the respondents is nothing but to harass and embarrass the petitioner as by forcing him to work under the Junior Officer would not only lower his status

in the service hierarchy but also renders it practically difficult for him to discharge his official functions with due diligence. By contending so, he sought for allowing the petition.

3. Learned counsel for Respondents No.2, 4 and 5, has filed objections and contended that NICVD is an autonomous body and has no statutory rules of service as such the petition would not lie. Counsel further contends that the petitioner will not suffer from any humiliation if he continues to work in the arrangement made through the impugned order dated 22.09.2025, that the respondent No.5 has been appointed as Acting HoD Procurement which will not create subordination of the Petitioner. Lastly, he prayed to dismiss the petition.

4. Heard arguments of the parties and perused the material available on record.

5. Admittedly, the petitioner is a Grade-19 officer whereas Respondent No.5 is a Grade-17 officer. The objections filed on behalf of Respondents do not controvert this factual position. With regard to maintainability, it appears that such objection, in the facts and circumstances of the present case, is misconceived as the NICVD, being a premier public sector health institution, is performing functions of public importance in connection with the affairs of the Province and any action on the part of authority is amenable to judicial scrutiny by this Court under its writ jurisdiction.

6. The next limb of the argument is that the petitioner would not suffer any humiliation if he continues to work under the arrangement made through the impugned order. This contention, with respect, overlooks the settled principle of service jurisprudence that though an employee has no vested right to hold a particular post, yet he cannot be subjected to arbitrary treatment, nor can he be compelled to work under an officer junior in rank without lawful justification. The respondents have failed to place on record any restructuring policy, notification or rule under which a Grade-17 officer could lawfully be appointed as Acting HoD over and above a serving Grade-19 officer already holding that position.

7. In the case of **Ali Azhar Khan Baloch v. Province of Sindh (2015 SCMR 456)**, it is held that every executive action must be grounded in law and that appointments, postings or adjustments made in deviation of the prescribed framework offend Articles 4 and 25 of the Constitution. Applying

the ratio laid down in the above precedent, the impugned action of the respondents cannot be sustained. The respondents have neither demonstrated any lawful authority empowering them to supersede a Grade-19 officer by placing a Grade-17 officer as Acting HoD, nor have they shown that the petitioner was divested of his position through any disciplinary or administrative proceedings conducted in accordance with law.

8. In the wake of above discussion, this petition is allowed and the impugned order dated 22.09.2025, (to the extent of Respondent No.5) is set aside. The petitioner shall continue to hold and perform the functions of Head of Department (Procurement) strictly in accordance with law. The respondents are, however, at liberty to restructure the department or make appointments in accordance with law and applicable rules.

Above are the reasons of short order of the earlier part of the day, whereby instant petition was allowed.

JUDGE

HEAD OF CONST. BENHCES

JUDGE

Nadir*

Approved for reproting