

# IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

C. P. No. D –1087 of 2025

*[Manzoor Ali vs. Province of Sindh and 05 others]*

Before:

**Justice Arbab Ali Hakro-J**

**Justice Abdul Hamid Bhurgri-J**

Petitioner:

**Manzoor Ali s/o Nabi Bux, Mugheri**

through M/s Ayaz Hussain Kalhoro & Syed Shafqat Ali Naqvi, Advocates a/w Petitioner

Respondents No.1 to 6:

**Province of Sindh and others**

through Mr. Liaquat Ali Shar, Additional Advocate General, Sindh a/w Nadir Shah, Chief Officer/Respondent No.5, Imtiaz Ali, Office Superintendent, on behalf of Respondent No.6 and Manzoor Ali Mugheri and Siraj Ahmed Soomro, on behalf of D.C Larkana

Date of hearing:

**15.10.2025**

Date of Decision:

**24.10.2025**

## **ORDER**

**ARBAB ALI HAKRO, J:** Through this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner Manzoor Ali has challenged the legality and propriety of his dismissal from service vide impugned Order dated 01.10.2025, issued by respondent No.5 (Chief Officer, District Council Larkana), alleging that the Order is arbitrary, mala fide, and infringes upon his fundamental rights.

2. The facts, as outlined in the pleadings and supported by documentary evidence, are that the petitioner was appointed as Junior Clerk (BPS-07) in the Local Government Department, Government of Sindh, pursuant to an offer letter dated 11.01.2013 and an appointment order dated 18.01.2013. He joined service through an office order dated 02.08.2013 and was posted in the Tax Branch of District Council Larkana. His salary account was officially opened, and he continued to receive his monthly salary, as shown by

multiple pay certificates and bank statements submitted by the petitioner with the statement.

3. On 02.9.2025, the petitioner was issued a show-cause notice by respondent No.5, alleging that his appointment was fraudulent on the grounds that his medical fitness certificate was obtained six months after joining, contrary to the terms of his appointment. Without conducting any formal inquiry, the petitioner was dismissed from service through a communication issued by the office of respondent No.4 (Deputy Commissioner, Larkana).

4. Respondent No.5, in his para-wise comments, contended that the petitioner's appointment was void ab initio due to non-compliance with the mandatory condition of medical examination before joining. Further, the delayed submission of the medical certificate constituted misconduct and misrepresentation, justifying immediate dismissal without enquiry.

5. Respondent No.2 (Secretary, Local Government Department), through his statement, has stated that after departmental verification of the petitioner's service credentials, it was found that the petitioner's name, Manzoor Ali son of Nabi Bux Mugheri, bearing CNIC No. 43203-2692999-9, does not appear in the official Seizure Memo. According to the department, this absence indicates that no service record concerning the petitioner exists within the department's official records. It is further asserted that the appointment order relied upon by the petitioner is "fake and fabricated," and that the department does not acknowledge any official status of the petitioner based on that document.

6. Learned counsel for the petitioner argued that the dismissal was carried out in violation of the Sindh Local Government Rules and the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, which require a formal inquiry before imposing any major penalty. He submitted that the petitioner was never given an opportunity to defend himself, nor was any inquiry officer appointed. The impugned Order, it was contended, is a clear example of abuse of authority and denial of due process.

7. Conversely, the learned Additional Advocate General argued that the petitioner's appointment was flawed due to fraud and that the department was justified in dispensing with the inquiry because of the documentary irregularity. He relied on the delayed medical certificate as the sole evidence of misconduct.

8. We have heard the learned counsel for the parties and perused the record with their assistance.

9. The pivotal question for determination is whether the dismissal of the petitioner, based solely on a show-cause notice and without a proper inquiry, is legally sustainable.

10. The record reveals that the petitioner was appointed formally, supported by an offer letter, appointment order, office joining Order, salary account activation, and regular pay certificates. His bank statement indicates continuous salary payments over the years, consistent credits into his designated account, and loan transactions and deductions, thus confirming his active service status during this period. These documents, issued by competent authorities, carry a presumption of authenticity.

11. The allegation of misconduct is based on the late submission of the medical certificate. However, the petitioner obtained the certificate within six months of joining, and no objection was raised then. The department treated him as a regular employee for over a decade. Such conduct amounts to acquiescence and estoppel.

12. Even when allegations of fraudulent appointment are made, the law requires that the employee be given procedural fairness. This includes a formal charge sheet, an opportunity to respond, and a proper inquiry conducted by an independent officer. Skipping these steps and relying only on a show-cause notice breaches the principles of natural justice and due process guaranteed under Article 10-A of the Constitution. Even in cases of alleged illegality, no employee can be condemned without being heard. Therefore, the shortcut adopted by the respondents is legally unsustainable and constitutionally flawed.

13. It is settled law that in Service Jurisprudence before imposing any major penalty, the employee must be served with a charge-sheet, given an opportunity to submit a reply, and be heard through a proper inquiry conducted by an independent officer. The petitioner was denied all these safeguards.

14. In light of the preceding discussion and after careful review of the record, it is clear that the impugned dismissal order issued against the petitioner contains several legal defects. The respondents' actions in bypassing essential procedural safeguards and proceeding with summary termination without a formal inquiry directly violate established principles of administrative justice. Therefore, we declare that the impugned dismissal order lacks lawful authority and has been issued in excess of jurisdiction; it offenes the constitutional guarantees enshrined under Articles 4 (right to be dealt with in accordance with law), 10-A (right to a fair trial), and 25 (equality before the law) of the Constitution of the Islamic Republic of Pakistan, 1973.

15. In consequence thereof and to ensure that justice is not only done but manifestly appears to have been done, the following directions are hereby issued:

- i. The petitioner shall be reinstated with continuity of service and all related benefits, subject to the outcome of a properly conducted inquiry.
- ii. The Secretary, Local Government Department, Government of Sindh (respondent No.2), is hereby directed to:
  - a. Appoint an independent Inquiry Officer within ten (10) days of receiving this Order.
  - b. Ensure that a formal charge sheet or statement of allegations is issued to the petitioner, clearly outlining the grounds of alleged misconduct or irregularity, including the claim of a “bogus and managed” appointment.
  - c. Obtain the petitioner’s written reply and provide him a fair opportunity to present his defence.

- d. Ensure that the Inquiry Officer conducts proceedings in accordance with the relevant Service Rules.
  - e. Upon conclusion of the inquiry, the Inquiry Officer shall submit a detailed report to the competent authority, who shall then issue a final show-cause notice, if warranted, and afford the petitioner a personal hearing before passing any final order.
- iii. In the event the inquiry finds that the petitioner's appointment was based on fake or fabricated documents, the officials and officers responsible for processing, approving, or facilitating such appointment shall also be subject to disciplinary and penal actions under the relevant laws, without exception or delay.
  - iv. The entire disciplinary exercise, including reinstatement and inquiry proceedings, shall be concluded within sixty (60) days from the date of this Order, and a compliance report shall be submitted to this Court through the Additional Registrar.
16. Petition stands **disposed of** in the above terms. No order as to costs.

JUDGE

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