

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D-2181 of 2024
(Anwar Kamal versus Federation of Pakistan & others)

Date	Order with signature of Judge(s)
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order:- 29.10.2025

M/s. M. Aqil Awan and Danish Rasheed advocates for the petitioner
Barrister Asad Ahmed, counsel for the respondent (PQA)
Ms. Wajiha M. Mehdi, Assistant Attorney General

ORDER

Muhammad Karim Khan Agha, J: The petitioner has prayed as
under:

1. *To declare that both the impugned orders dated 14.06.2023 and 08.03.2024, respectively, passed by the authority penalizing the petitioner with major as well as minor penalties, are without jurisdiction, without lawful authority, and illegal.*
2. *To set aside and quash both the impugned orders with the direction to restore all consequential benefits, monetary or otherwise, that are seniority and promotion.*
3. *To suspend the operation of impugned orders dated 14.06.2023 and 08.03.2024 during the pendency of this petition.*

2. The case of the petitioner is that he was appointed as a Draughtsman (BS-15) on 28.02.2003 and promoted to Deputy Manager (Mechanical Drafting) BS-17 in 2010. He challenges two disciplinary orders, i.e., major penalty dated 14.06.2023, reduction from Assistant Manager BS-17 to Draughtsman BS-15 for three years, based on a charge sheet dated 11.05.2022, alleging misreporting of survey of plots in the Eastern Industrial Zone, and minor penalty dated 08.03.2024, withholding of 23 annual increments and promotion for three years.

3. Petitioner's counsel contends that both penalties violate principles of natural justice as provided under Articles 10-A & 13-B of the Constitution and the Civil Servants (Efficiency & Discipline) Rules 2020. He argued that the inquiry proceedings lacked oral or documentary evidence; he submitted that the subject survey reports were not provided to the petitioner to defend. He referred to Rules 9(3), 10(1), sub-rules (4) & (7) and argued that the same were violated as adjudication was not properly conducted. In support of his contention, he relied upon the cases of Shamas-ud-din Khawaja v Government of Pakistan & others **2003 PLC (CS) 514**, Muhammad Alamzeb Khan v Registrar Peshawar High Court & others **2008 SCMR 1406**, Samiuddin Qureshi v Collector of Customs **PLD 1989 SC 335**, Chief Secretary, Government of Punjab, Lahore v

Muhammad Ali Saqib 2020 PLC (CS) 1291, Inayatullah Khan v The Provincial Government NWFP, Peshawar 1985 SCMR 1747, Chairman Area Electricity Board WAPDA, Peshawar v Jehanzir Khan 1999 PLC (CS) 423, Iftikharullah v Secretary, Ministry of food, Agriculture & others 1986 SCMR 1436, Ghulam Hadi Baloch v Collector of Customs and others 1987 SCMR 602, Basharat Ali v Director, Excise and Taxation Lahore & others 1997 SCMR 1543, Chairman Azad Jammu and Kashmir ogging v Abdul Hameed Siddiqui and another NLR 2002 Labour 97, Director General Emergency Rescue Service 1122 KPK v Nizakat ullah 2019 PLC (CS) 811, Akbar Ali Chaudhry v PASKO through Chairman and others 2005 SCMR 966, Zarar Khan v Government of Sindh & others PLD 1980 SC 310. He therefore prayed that the petition be allowed.

4. The learned counsel representing PQA submitted that the inquiry committee examined all records, including the petitioner's written statements. He emphasized that the Petitioner misreported surveys of Plot F-74 (EIZ) and Plot W/2/43 (NWIZ), resulting in a loss of Rs. 5,228,182 and Rs. 5,600,000 in NUF/transfer surcharge. As per counsel, misreporting constituted misconduct, affected Port Qasim Authority's revenue, and breached trust. He emphasized that deliberate misreporting in official duty amounts to misconduct. He further submitted that misconduct includes actions causing financial loss to the government. In support of his contention he relied upon the case of Muhammad Saleem v Federal Public Service Commission and others 2020 PLC (CS) 306. He prayed to dismiss the petition.

5. The petitioner's challenge to the disciplinary orders raises questions regarding whether his alleged misreporting of survey reports amounts to misconduct under the Civil Servants (Efficiency & Discipline) Rules, 2020, and whether such actions caused financial loss to the respondents.

6. Considering the submissions of both parties and the material on record, it is apparent that the inquiry findings require reconsideration by the competent authority in accordance with the law. The competent authority should examine whether the alleged misreporting constitutes misconduct under service law, determine if any financial loss was actually caused to the respondents due to such misreporting and ensure that the principles of natural justice are strictly followed, including the right of the petitioner to access all relevant documents, present evidence, and cross-examine witnesses, if necessary.

7. Accordingly, the matter is remitted to the competent authority for a fresh, lawful, and impartial adjudication. Pending the outcome of such

reconsideration, the disciplinary orders dated 14.06.2023 and 08.03.2024 shall remain suspended, and no adverse consequences shall be enforced against the petitioner. The aforesaid exercise shall be conducted within three months.

HEAD OF CONST. BENCHES

JUDGE

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