

**HIGH COURT OF SINDH CIRCUIT COURT,  
HYDERABAD**

**C.P. No.D-424 of 2025**

[Rohit and Others vs. Federation of Pakistan and Others]

**C.P. No.D-465 of 2025**

[Abdul Sattar and others vs. Federation of Pakistan and Others]

**C.P. No.D-489 of 2025**

[Syed Haider Ali Shah Jeelani vs. Federation of Pakistan and Others]

**C.P. No.D-506 of 2025**

[Zaid Ahmed vs. Federation of Pakistan and Others]

**C.P. No.D-509 of 2025**

[Waqar Ali and another vs. Federation of Pakistan and Others]

**C.P. No.D-510 of 2025**

[Muhammad Yasiruddin and Others vs. Federation of Pakistan and Others]

**C.P. No.D-519 of 2025**

[Rasool Bux Dasti and Others vs. Federation of Pakistan and Others]

**C.P. No.D-520 of 2025**

[Muhammad Hashim and Others vs. Federation of Pakistan and Others]

**C.P. No.D-525 of 2025**

[Muhammad Ishaque and Others vs. Federation of Pakistan and Others]

**C.P. No.D-550 of 2025**

[Shahnawaz and another vs. Federation of Pakistan and Others]

**C.P. No.D-558 of 2025**

[Arif Hussain and Others vs. Federation of Pakistan and Others]

**C.P. No.D-738 of 2025**

[Muhammad Qasim vs. Federation of Pakistan and Others]

**C.P. No.D-836 of 2025**

[Mir Saleem Mubarak and Others vs. Federation of Pakistan and Others]

**BEFORE:**

**JUSTICE ADNAN-UL-KARIM MEMON  
JUSTICE RIAZAT ALI SAHAR**

M/s Ishrat Ali Lohar, Muhammad Yousuf Mahar, Ashfaque Nabi Kazi, and Ghulam Sarwar Baloch, advocates for the petitioners

Ms. Shamim Mughal, Assistant Attorney General, a/w Assistant Postmaster General Deedar Ali Zardari and Assistant Superintendent Habib Solangi

Date of hearing & decision: 27.11.2025

**ORDER**

**ADNAN-UL-KARIM MEMON J.-** In C.Ps No. D-424, 489, 506, 509, 550, 558, 738, and 836 of 2025, the petitioners have challenged the termination letters dated 28.02.2025 and 05.03.2025. In C.Ps. No. D-510 and 519 of 2025, the petitioners have assailed the letter dated 13.03.2025 directing the re-conduct of the test pursuant to Inquiry Committee’s recommendations. C.P. No. D-525 of

2025 has been filed by serving officers questioning the recommendations made against them by the Inquiry Officer.

2. The Petitioners seek declarations that the impugned termination letters, directives, and recommendations are illegal, void, without jurisdiction and violates Article 10-A and principles of natural justice; that their appointments were validly made in accordance with law and codal formalities; and that the re-test/ re-examination directions and related proceedings are coram non judice and of no legal effect. They further pray for restoration to service with consequential benefits, release of salaries, protection from coercive or adverse action during pendency of petitions, imposition of costs where applicable, and any other relief deemed just and proper.

3. Since the captioned petitions raise common questions of law and fact, they are being heard together and are disposed of through this consolidated order.

4. The facts of the case, as brought on record by the parties, are that Respondent No.2 published an advertisement in various newspapers in August 2022, inviting applications for numerous vacant posts from BPS-01 to BPS-14 across Pakistan. The posts included Stenotypist, UDC, LDC, Postal Clerk, Sorter, Delivery Agent, Postman, Driver, Carpenter, Stamp Vendor, Mail Peon, and other positions lying vacant in the office of Respondent No.3 and its subordinate circles. After completion of recruitment process, including interviews, the Departmental Selection Committee (DSC) and the appointing authority issued Offer Letters to candidates who had qualified, pursuant to the directions of Respondent No.3. Offer Letters were also prepared for candidates in the waiting list, as the list remained valid for six months in the event any selected candidate did not join. Upon completion of all codal formalities, the qualified candidates, as well as those appointed from the waiting list, joined their respective posts. However, the appointments for similar posts were also made in the Postal Circle Peshawar under the same advertisement. Subsequently, an audit objection was raised regarding alleged excess appointments made in the Postal Circle Peshawar. In response, Respondent No.2 appointed an Inquiry Officer, who conducted an inquiry and submitted report recommending termination of certain appointees, re-testing for some positions, and initiation of disciplinary action against the appointing authorities, including officers working under Respondent No.3 and the Petitioners in CP No. 525 of 2025. The newly appointed officials of Postal Circle Peshawar challenged these recommendations before learned Peshawar High Court, which granted interim relief on 08.08.2024. However, the audit objection pertained exclusively to the excess appointments made in the Postal Circle Peshawar during 2023. No such audit objection, complaint or irregularity was noted regarding the appointments made in the Postal Circle Hyderabad. It is also submitted that no inquiry was warranted in Hyderabad circle, and in law, an

inquiry cannot be initiated in absence of an audit objection or complaint, as is evident from the relevant record. Nevertheless, during the course of inquiry relating to recruitment process of 2022–23 for the Northern Sindh Circle, Hyderabad, the inquiry committee recorded adverse findings against the Petitioners in CP No. 525 of 2025 who served as members of DSC and appointing authorities for various units. The committee alleged, inter alia, that the DSC failed to award 30% marks to candidates, that female candidates were not considered for merit seats, and that posts reserved for minority and disabled quotas were instead filled by general merit candidates. It was further alleged that the appointing authorities approved defective minutes and appointed candidates from the waiting list in violation of rules, prompting all the petitioners to file the captioned petitions before this Court.

5. Learned counsel for the petitioners jointly contended an audit objection was raised only in respect of appointments made in Postal Circle Peshawar, alleging excess appointments. An inquiry was conducted and a report submitted, which led the affected employees to approach the Peshawar High Court, where a stay order was granted on 08.08.2024; that no such audit objection was raised regarding appointments made in Hyderabad, Sindh. Nonetheless, the respondent Postmaster General ordered an inquiry into Hyderabad appointments. The Inquiry Committee submitted its report alleging procedural violations and excess appointments. Based on this report, the respondents issued the impugned termination letters to the petitioners in C.Ps. D-424, 489, 506, 509, 550, 558, 738, and 836 of 2025. As for the petitioners in C.Ps. No. D-510 and 519 of 2025, directions for re-conducting the test were issued vide letter dated 13.03.2025. It was argued that no opportunity of hearing was afforded to the petitioners, rendering the respondents' actions in violation of the principles of natural justice embodied in the maxim *audi alteram partem*, as well as contrary to law laid down in *Nasir Jamal Malik and others v. Government of Pakistan*, reported as **2001 SCMR 934**. Counsel submitted that since the petitioners' appointments were made after fulfilling all legal and codal formalities, neither termination nor re-testing is justified. With respect to C.P. No. D-525 of 2025, learned counsel for the petitioners argued that the petitioners in this case are serving officers of Postmaster General. However, the Inquiry Officer, who was appointed solely to examine the recruitment process, issued recommendations against these officers despite lacking lawful authority to do so. Such recommendations, being *coram non iudice*, are liable to be set aside.

6. Conversely, learned Assistant Attorney General challenged the maintainability of C.P. No. D-525 of 2025, arguing that the petitioners therein are civil servants and must therefore avail the appropriate statutory forum. She submitted that the petition is not maintainable and is liable to be dismissed. She

further contended that these petitioners had served as members of Selection Committee(s) and had failed to perform their duties in accordance with the recruitment policy. Regarding the remaining petitions, learned AAG argued that the recruitment policy issued by the Establishment Division prescribed 30% marks for the interview, but the same was not adhered to, rendering the entire recruitment process defective. She argued that the inquiry was initiated to ensure transparency, but the Committee members failed to produce satisfactory proof regarding the fairness of the recruitment exercise. Consequently, the excess appointees were terminated, and directions were issued for conducting re-test for the remaining candidates. Learned AAG maintained that there is no hindrance for the petitioners to participate in the re-test and that the petitions are not maintainable. She prayed to dismiss all petitions.

7. We have heard learned counsel for the parties at length and examined the available record.

8. Record reflects that all the Petitioners except the Petitioners in C.P. No. D-525 of 2025, were appointed through recruitment process duly initiated pursuant to valid NOCs issued by the Establishment Division. The vacancies were widely advertised, over 200,000 applicants competed, and written tests as well as interviews were conducted by the Departmental Selection Committees. *Prima facie*, there is no allegation of fraud, misrepresentation, forgery or any personal wrongdoing against the terminated Petitioners. Their appointments were therefore *prima facie* merit-based and consistent with the prescribed criteria. Except for the allegations against the petitioners in C.P. No. D-525 of 2025, against whom certain recommendations were made by the Inquiry Officer. However, no regular inquiry was conducted for their alleged misconduct, if any. The audit objections and the subsequent inquiry reports *prima facie* identify only administrative and procedural lapses attributable to the respondent department, such as excess recruitment, irregular advertisement of quotas, delayed receipt of applications, and incomplete document verification. These findings *prima facie* do not suggest that the appointed Petitioners secured their appointments through any illegality or manipulation. It is well-established principle that an employee cannot be penalized for errors committed by the Department, particularly after the candidate has undergone testing, interviews, appointment, and active service. Despite this, the duly appointed Petitioners were removed from service without issuance of show-cause notice, without a personal hearing, and without being associated with the inquiry proceedings. Such action violates the fundamental principles of natural justice, particularly the rule of *Audi Alteram Partem*, and infringes Article 10-A of the Constitution, which guarantees the right to due process in all administrative and quasi-judicial matters. The Supreme Court has consistently held that even temporary or contract employees cannot be dismissed without due

process, much less individuals who have been appointed to sanctioned posts through a competitive process.

9. The official Respondents issued sweeping, collective termination orders across various Circles without examining the specific facts of each individual case, notwithstanding that each Circle conducted its recruitment independently. The subsequent directive to re-conduct recruitment tests, after the Petitioners had already been appointed and had served for several months, is legally unsustainable. The Supreme Court has repeatedly affirmed that once an appointment is validly made, re-testing or reopening the recruitment process cannot extinguish an employee's vested right, except where fraud is established, an allegation absent in the present case. Moreover, the initiation of further adverse actions despite subsisting status quo orders in similar matters by the learned High Court demonstrates that the official Respondents acted hastily, disregarded judicial restraint, and proceeded without lawful authority.

10. In light of the foregoing facts and circumstances, the Petitioners' appointments stand merit-based and duly made pursuant to valid NOCs and a competitive recruitment process. The audit objections and inquiry reports do not attribute any fraud, misrepresentation, or misconduct to the Petitioners, and therefore cannot justify the cancellation of their vested appointments, as such retesting is not called for. The termination orders dated 28.02.2025, issued without prior notice, without affording an opportunity of hearing, and without individualized assessment, are void, arbitrary, and in violation of Articles 4, 9, 10-A, and 25 of the Constitution. Likewise, the directions dated 11.07.2024 and 13.03.2025 to re-conduct recruitment tests after the Petitioners had already been appointed are unlawful, unreasonable, and contrary to established principles of service jurisprudence. All adverse actions premised exclusively on procedural deficiencies attributed to the Selection Committee are declared devoid of lawful justification and are accordingly annulled, subject to lawful exceptions and without prejudice to the initiation of regular inquiry, if supported by substantive and credible material. The terminated Petitioners are, therefore, entitled to reinstatement, continuity of service, and release of withheld salaries forthwith if not earlier paid.

11. These petitions are disposed of in the above terms.

JUDGE

JUDGE