

ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constitution Petition No.D-832 of 2025

Constitution Petition No.D-833 of 2025

Date	Order with signature of Judge
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- 1. For orders on office objections ‘A’.
- 2. For hearing of M.A No.4534/25 (S/A).
- 3. For hearing of main case.

05-11-2025

Mr. Shahzad Gul Shaikh, Advocate for petitioners.
Mr. Liaquat Ali Shar, Additional Advocate General Sindh.

By this common order, both the above-captioned petitions are being decided together as identical questions of law and fact are involved.

2. The case of the petitioners is that respondent No.4, the Deputy Commissioner, Larkana, invited applications through a newspaper advertisement bearing No. DC/ESTT/2022/852 dated 17.02.2022 for various non-technical posts in the Revenue Department ranging from BPS-01 to BPS-04. The petitioners in C.P. No.D-833/2025 applied for the post of Naib Qasid (BPS-02), whereas the petitioner in C.P. No.D-832/2025 applied for the post of Kotar (BPS-01). They appeared in the interview process held from 08.03.2022 to 10.03.2022 and were declared successful candidates. Subsequently, on the recommendations of the District Recruitment Committee (DRC) meetings held from 08.03.2022 to 10.03.2022 and 26.05.2023 respectively, and in pursuance of the minutes conveyed vide letter No. DC/ESTT/2023/104 dated 07.08.2023, the petitioners were duly selected against existing vacant posts. Pursuant thereto, offer letters were issued on 08.08.2023 in favour of the petitioners, directing them to complete medical fitness and police verification formalities prior to joining. The petitioners duly obtained their character and antecedent certificates from the Senior Superintendent of Police, Larkana, which revealed nothing adverse. Despite completion of all codal formalities and the issuance of offer

letters, respondent No.4 failed to issue the formal appointment/joining orders, causing serious prejudice and mental distress to the petitioners. It is alleged that such inaction is arbitrary, discriminatory, and contrary to the petitioners' constitutional rights under Articles 4, 18, and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. It is further contended that, under Section 21 of the General Clauses Act, once a competent authority has taken a decisive step by issuing an offer of appointment, the same cannot be withdrawn, altered, or rescinded arbitrarily. The petitioners thus contend that they have acquired a vested right and legitimate expectation to be appointed, and seek a direction to respondent No.4 to issue their appointment orders in accordance with law.

3. Learned counsel for the petitioners argued that the petitioners successfully completed all requisite procedures, including verification and medical fitness, following which offer orders were duly issued. However, without assigning any reason or justification, respondent No.4 withheld the issuance of appointment orders, thereby violating the petitioners' fundamental rights and the principles of administrative fairness. He prayed that respondent No.4 may be directed to issue the appointment orders in their favour.

4. Conversely, the learned Additional Advocate General (A.A.G.), present along with respondent No.4, submitted that the Honourable Supreme Court of Pakistan, vide judgment dated 05.06.2025 passed in CPLA Nos. 4-K to 27-K of 2025 and others, has remanded similar matters to the Honourable High Court of Sindh, Sukkur Bench, for fresh adjudication on merits after providing ample opportunity of hearing to all parties, preferably within two months excluding summer vacations. Upon a specific query by this Court as to why the appointment orders in the present case were not issued despite issuance of offer letters, the learned A.A.G. could not furnish a satisfactory explanation.

5. We have heard the learned counsel for the parties and examined the material available on record. A perusal of the comments filed by respondent No.4 reveals that all factual contentions of the petitioners stand admitted. Respondent No.4 has categorically acknowledged that offer letters were issued after completion of due process but has failed to provide any reason for withholding the appointment orders. We have also carefully examined the judgment dated 05.06.2025 passed by the Honourable Supreme Court of Pakistan in CPLA Nos. 4-K to 27-K of 2025 and others, wherein the Honourable Apex Court allowed the petitions filed by Province of Sindh, set aside the earlier order passed by the Sukkur Bench, and remanded the matters to the High Court for decision on merits after affording full opportunity of hearing to all concerned. The relevant paragraph No.11 of the said judgment reads as follows:

11. As a result of the above discussion, all Civil Petitions are converted into appeals and disposed of in the following terms:

i. All the orders impugned in the aforesaid Civil Petitions are set aside. The Constitution Petitions preferred by the respondents before the High Court of Sindh shall be deemed to be pending and the matter is remanded to the learned High Court of Sindh for a fresh decision on merits after providing ample opportunity of hearing to the parties, preferably within a period of two (02) months, excluding the summer vacations.

ii. To save time, the petitioners may file their comments with advance copies to the respondents before hearing of the Constitution Petitions. At the same time, the respondents may also file all relevant documents through a proper statement including copies of advertisement, appointment/offer letters, joining reports, minutes/recommendations of the DRC, etc., if not already on record, with advance copies to the counsel for the petitioners.

6. In the present matter, the respondent No.4 has already filed his comments dated 02.10.2025, wherein he admitted that offer orders in favour of the petitioners were issued. In view of the admitted position, it stands established that the petitioners participated in a duly advertised

recruitment process; they were declared successful and recommended by the competent District Recruitment Committee; offer letters were issued by the competent authority; all requisite verifications were duly completed; and there exists no adverse material against them.

7. In such circumstances, withholding of appointment orders without any cogent reason amounts to arbitrary administrative action, violative of the petitioners' vested rights and the principles of legitimate expectation recognized by law. The respondent's inaction is therefore not sustainable in law.

8. For the foregoing reasons and in view of the admitted position, both these Constitution Petitions are allowed. The respondent No.4 (Deputy Commissioner, Larkana) is directed to issue formal appointment orders in favour of the petitioners within fifteen (15) days from the date of receipt of this order, subject to completion of any remaining codal formalities, if required under law.

9. Let copy of this order be communicated to the official respondents and learned Additional Advocate General Sindh for necessary compliance.

JUDGE
JUDGE

Irshad Ali M/Steno