

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P No.D-1855 of 2025

[Riaz Ahmed Pathan vs. Federation of Pakistan and Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Muhammad Jameel Ahmed, advocate for petitioner(s)

Mr. Muhammad Arshad Pathan, advocate for HESCO

Mr. Ghulam Abbas Sangi, Assistant Attorney General

Date of hearing & decision:

13.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- Petitioner through this
Constitutional Petition, seeks the following relief(s):-

- i. *Declare that the impugned order dated 07.10.2025, whereby the petitioner has been placed under suspension, is without lawful authority, of no legal effect, and coram non judice, being violative of the service laws, rules, and settled principles of law;*
- ii. *Set aside / strike down the impugned suspension order dated 07.10.2025 as illegal, void ab initio, and unconstitutional.*
- iii. *Declare that after attaining the age of superannuation, no departmental proceedings or suspension can be initiated or continued against the petitioner in the absence of any specific enabling provision of law.*

2. Learned counsel for the petitioner submits that the petitioner was denied promotion, and in retaliation disciplinary proceedings were initiated against him, leading to his suspension just before retirement; that the actions on the part of respondents were illegal and *mala fide*; that the petitioner retired upon reaching the age of superannuation, and since the disciplinary proceedings were not concluded, they have not become infructuous and may be quashed.

3. Learned counsel for HESCO denied the allegations, stating that the petitioner was promoted before initiation of disciplinary proceedings and that these were not *mala fide*; that the Petitioner was misusing his authority, wrote a letter on the Union's letter head to the Ministry of Energy without authorization and other Union office bearers denied approving it.

Consequently, the Ministry directed disciplinary proceedings, resulting in his suspension. It was conceded that the petitioner retired before the proceedings could be concluded. Accordingly, the petition has served its purpose and may be disposed of. He further agreed that, in view of the petitioner's retirement and the absence of any disciplinary action, no further action is required regarding his suspension, which in any case does not constitute a punishment.

4. Learned DAG also adopted the arguments advanced by counsel for HESCO.

5. Arguments heard and record perused.

6. In view of the foregoing, it is evident that the petitioner has retired from service, and the period of suspension has effectively culminated with his superannuation. Since suspension, in any case, does not amount to a punishment, the primary purpose of filing this petition has been served. Consequently, the petition stands disposed of accordingly, with no further directions necessary regarding the petitioner's suspension.

JUDGE

JUDGE