

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
C.P No.D-100 of 2026
[Zubair Khan v. Province of Sindh and 03 others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	1. For orders on M.A No.332/2026 (U/A)
	2. For orders on office objection (s)
	3. For orders on M.A No.333/2026 (Exemption)
	4. For hearing of main case

04.02.2026

Mr.Mir Muhammad Nohri, Advocate for the Petitioner

Through this petition, the petitioner seeks the following reliefs: that the dismissal order dated 06-05-2016 and subsequent rejection orders dated 04.8.2016, 29.6.2022 and 30.01.2023 be set aside; that the impugned actions of the respondents be declared illegal, void and without lawful authority; that he be reinstated with all consequential benefits, or in the alternative, that relief be granted in terms of the Judgment rendered in C.P. No. D-3379 of 2022, decided on 14.10.2025 by the Division Bench of this Court.

2. The brief facts, as culled from the petition, are that the petitioner was appointed as Police Constable pursuant to an advertisement published in September, 2011. He completed all codal formalities, received an offer of appointment dated 10.3.2012, underwent training at Shahdadpur, drew salary from the official account of SRP Hyderabad and continued to serve without blemish. He was nominated for specialised SSU Elite and Commando Courses and was transferred from Security-II Karachi Range to Mirpurkhas vide order dated 28.01.2016. However, to his astonishment, he was removed from service on 06.5.2016 on the allegation that his appointment was irregular in light of the Supreme Court’s directions in HRC No. 16082-S of 2015. His departmental appeal was rejected on 04.8.2016. Later, when re-examination through NTS was conducted on 06.5.2017, he was restrained from appearing solely because his CNIC had expired temporarily, despite having applied for renewal and receiving the renewed CNIC the very next day. His subsequent

appeals, dated 16.8.2018, 20.6.2022 and 01.8.2024, were rejected or remained undecided.

3. Learned counsel for the petitioner contends that the petitioner's induction, training, service record and salary receipts establish a lawful appointment. He submits that the dismissal order was passed without service of a show-cause notice and without affording an opportunity of hearing. He further argues that the petitioner was denied participation in re-examination on a purely technical ground, which was neither deliberate nor permanent. He relies upon the Judgment dated 14.10.2025, passed in C.P. No. D-3379 of 2022, wherein the Division Bench held that once an employee has been inducted, trained and has rendered service, his rights cannot be defeated on technicalities, particularly when the defect is curable.

4. We have heard learned counsel and examined the record with thoughtful care. Before advertng to the merits, the foremost question that arises is whether this Court can entertain the petition in view of the constitutional bar contained in Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973.

5. The petitioner was removed from service through a major penalty imposed under the Sindh Police (Efficiency & Discipline) Rules, 1988. He availed the statutory departmental appeal, which was dismissed by the competent appellate authority. The challenge raised before us is directed squarely against the original order of removal and the appellate order affirming it.

6. Article 212(1)(a) empowers the legislature to establish tribunals having exclusive jurisdiction over matters relating to terms and conditions of service, including disciplinary matters. Article 212(2), couched in overriding and prohibitory language, mandates that no other Court shall entertain any proceedings in respect of matters falling within the jurisdiction of such tribunals.

7. The constitutional bar is not merely procedural; it is jurisdiction-ousting in nature. This Court cannot assume jurisdiction where the Constitution itself has withdrawn it. The principle has been consistently reaffirmed in a long line of authorities, including the Judgment reported as **1990 PLC (C.S.) 637**,

wherein it was held that once a departmental penalty is imposed and the statutory appeal is decided, the only forum competent to examine the legality, propriety or correctness of such orders is the Service Tribunal.

8. Even allegations of mala fides, violation of natural justice, or procedural irregularities do not confer jurisdiction upon the High Court where the matter pertains to the terms and conditions of service of a civil servant.

9. The petitioner's grievance, in essence, is that the dismissal order was illegal, that the show-cause notice was not served, that the appellate authority acted mechanically and that he was later denied participation in re-examination. These grievances, however articulated, are inseparably linked to the disciplinary action taken against him and the appellate order passed under the E&D Rules. Such matters fall squarely within the exclusive jurisdiction of the Sindh Service Tribunal.

10. The petitioner has placed considerable reliance upon the Judgment dated 14.10.2025 rendered in C.P. No. D-3379 of 2022; however, a careful reading of paragraph 2 of that Judgment reveals a materially different factual matrix. In that case, the petitioner had not only availed the statutory remedy of departmental appeal but had also preferred a service appeal before the Sindh Service Tribunal, which was allowed vide order dated 30.11.2016. The Tribunal set aside the dismissal and directed reinstatement with effect from the date of removal. That order attained finality, as no challenge was brought against it. It was only thereafter, owing to the subsequent directions of the Supreme Court in HRC No. 16082-S of 2015 and the later consent order dated 26.2.2016, that the petitioner of that case was required to undergo a centralised re-examination, thereby altering his status from a dismissed civil servant to that of a fresh candidate for the limited purpose of reassessment. It was this post-Tribunal, post-re-examination discrimination that brought his case outside the ambit of Article 212. In the present matter, however, the petitioner has not obtained any adjudication from the Service Tribunal; rather, he directly challenges the original dismissal order and the appellate order passed under the E&D Rules. His status has never transformed into that of a fresh candidate, nor has any Tribunal order intervened to alter the character of the dispute. Thus, the factual foundation

that enabled the maintainability of the earlier petition is wholly absent here, rendering the reliance misplaced.

11. In the present case, however, the petitioner's challenge is directed against the original dismissal order and the appellate order passed under the E&D Rules. His status remained that of a dismissed employee, and the relief sought is reinstatement in service, a matter within the exclusive jurisdiction of the Service Tribunal. The factual matrix of the relied-upon Judgment is therefore distinguishable and cannot be imported into the present case.

12. The petitioner's grievance regarding the denial of participation in the re-examination is also rooted in the consequences of his dismissal. It does not convert his status into that of a fresh candidate. The substratum of the petition remains a challenge to disciplinary action and appellate orders, which this Court cannot examine in writ jurisdiction.

13. In view of the above discussion, and in light of the constitutional command contained in Article 212, we hold that the petition is barred by law. The petitioner has an adequate, efficacious and exclusive remedy before the Sindh Service Tribunal, which is the only forum competent to adjudicate upon the legality of the dismissal order and the appellate order.

14. Resultantly, the petition is **dismissed** in *limine* as not maintainable along with listed applications.

JUDGE

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