

IN HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D-141 of 2026
[Pardeep Kumar v. Province of Sindh & others]

Before:
Mr. Justice Arbab Ali Hakro
Mr. Justice Riazat Ali Sahar

Petitioner : Pardeep Kumar through Barrister
Asad Hussain, Advocate.

Respondents : Nil.

Date of Hearing : **03.02.2026**

Date of Decision : **03.02.2026**

ORDER

RIAZAT ALI SAHAR. J., - Through this petition, the
petitioner is seeking following reliefs:-

- a) To direct Respondent No. 1 & 2 for properly functioning and establishment of Law enforcement wing in the Sindh Environmental Protection Agency. appointment in the cell may please to be ensured as per position arrangement as mentioned in the budget book, the seats of Directors Law (BPS-19) in each Region to be created and filled up in accordance with law. The policing of law enforcement wing to be dressed properly in allocated uniform along with its powers and functions.*
- b) To direct Respondent No. 1 & 2 in terms of making fully functional laboratories in the Sindh Environmental Protection Agency. All equipment of laboratories to be installed in the lab and relevant chemical for analysis to be handed over to the staff of the laboratories. The laboratories to be financed for its operational activities as per its requirement.*
- c) To direct the Respondent No. 2 & 3 for implementation of Sindh Environment Protection Act, 2014, its rules & regulations made thereunder throughout province of Sindh as per directions of Honourable Supreme Court of Pakistan.*

- d) To direct the Respondent No. 1 to 3 with regard to establish the job description of all Gazetted and Non-gazetted officers of Sindh Environmental Protection Agency. Every officer of grade-17 and above should be abode by their officials responsibilities with neat & clean working portfolio as such every officer can aware of their powers and functions specifically.*
- e) To initiate legal proceedings against respondents No.1 to 5 for their maladministration in the Sindh Environmental Protection Agency. The huge loss to be given to the general public in terms of physical health, environmental damages and barren of agricultural land.*
- f) Any other relief which this Honourable Court may deem fix and proper in the interest of justice.*

2. In the instant petition, the petitioner has stated that he is an Advocate by profession and has invoked the constitutional jurisdiction of this Court on the premise of alleged maladministration in the Sindh Environmental Protection Agency (SEPA). The petitioner averred that he had regularly attended proceedings of the Water Commission constituted pursuant to directions of the Honourable Supreme Court of Pakistan in Constitution Petition No. 38 of 2016 (Shuhab Usto v. Province of Sindh & others), wherein various deficiencies in the functioning of SEPA were highlighted and directions were issued for institutional reforms, including establishment of a Law Enforcement Cell, strengthening of district offices, functionalization of laboratories, implementation of the Sindh Environmental Protection Act, 2014 and replacement of the Director General with a cadre officer.

3. The petitioner has further stated that despite the aforesaid directions, the respondents have failed to fully comply with the same alleging that although a Law Enforcement Wing has been shown as established in the budget for the year 2025–2026, no appointments have been made, no infrastructure has been provided and the allocated funds have been utilized without justification. Similar allegations are made regarding non-functional district offices, inadequately equipped laboratories, lack

of delegation of powers, absence of job descriptions of officers and failure to take action against environmental violators. The petitioner further stated that the post of Director General SEPA continues to be occupied contrary to the directions of the Honourable Supreme Court, thereby amounting to continued misadministration, infringement of fundamental rights and failure of statutory duty on the part of the respondents.

4. Learned counsel for the petitioner contends that the Sindh Environmental Protection Agency is a statutory body mandated to implement the Sindh Environmental Protection Act, 2014 in its true letter and spirit and that the alleged non-compliance with directions issued by the Honourable Supreme Court of Pakistan constitutes maladministration warranting constitutional intervention. He contends that failure in environmental governance has a direct nexus with the fundamental rights of citizens, particularly the right to life and dignity and that the petitioner, being a practicing Advocate and a concerned citizen, has approached this Court in public interest to highlight such deficiencies.

5. At this stage, the Court queried learned counsel as to the maintainability of the present petition under Article 199 of the Constitution, particularly when the grievances raised relate mainly to internal administration, recruitment, budgeting and policy matters of a statutory authority. Learned counsel, in response, was unable to point out any specific provision of law creating a legally enforceable right in favour of the petitioner, nor could he demonstrate any direct or personal injury suffered by the petitioner. The submissions remained confined to general allegations of maladministration and alleged public interest concerns, without establishing how constitutional jurisdiction could be invoked to supervise the internal functioning of SEPA.

6. After hearing learned counsel for the petitioner and perusing the material placed on record, we have found that the

present petition is not maintainable for multiple reasons. In this regard, we would like to highlight that the entire structure of the petitioner's case rests upon allegations of maladministration, inefficiency and non-implementation of policy decisions within SEPA. It is well-settled law that constitutional jurisdiction under Article 199 of the Constitution is not meant to supervise or micro-manage the internal administrative affairs of government departments or statutory bodies. Matters relating to staffing, postings, budget utilization, establishment of wings and formulation of job descriptions fall squarely within the domain of the executive and policy-making authorities and judicial interference therein is impermissible unless a clear violation of law or infringement of a legally enforceable right is demonstrated.

7. The petitioner has failed to establish any direct or personal injury. The petition is obviously silent as to how the alleged acts of the respondents have specifically infringed any fundamental right of the petitioner himself. Mere assertion of being a "concerned citizen" or an Advocate does not, by itself, confer *locus standi* to invoke constitutional jurisdiction, particularly when no element of public interest litigation has been properly pleaded or substantiated in accordance with settled principles. The directions issued by the Honourable Supreme Court in Constitution Petition No. 38 of 2016 were passed in a specific constitutional framework and remain subject to supervision and enforcement by the said Court. Any grievance regarding non-compliance of those directions, if any, is required to be raised before the same forum and not by way of an independent constitutional petition before this Court.

8. We have found that this petition is originated largely on conjectures, general observations and unsubstantiated allegations regarding misuse of funds, lack of interest of officers and failure of governance, without placing any cogent, admissible, or concrete material on record to *prima facie* establish *mala fide*, illegality, or statutory breach attributable to the respondents.

Furthermore, an adequate alternate remedy in the form of representations to the competent authorities, departmental forums, or recourse available under the Sindh Environmental Protection Act, 2014, has neither been availed nor shown to be inefficacious. Constitutional jurisdiction cannot be invoked as a substitute for administrative or statutory remedies.

9. For what has been discussed above, we are of the considered opinion that the petition is devoid of merit, suffers from lack of *locus standi* and raises issues falling outside the scope of constitutional jurisdiction. Accordingly, the petition is **dismissed** in *limine*, along with all pending applications, with no order as to costs.

JUDGE

JUDGE

Abdullahchanna/PS