

# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**C.P No.D-275 of 2026**

[*Shahbaz Khan and another v. Province of Sindh and others*]

**Before:**

**Justice Arbab Ali Hakro**  
**Justice Riazat Ali Sahar**

Petitioners by : Mr.Rahman Dino Mahesar, Advocate

Respondents by : Nemo

Dates of Hearing : **17.02.2026**

Date of Decision : **17.02.2026**

## **ORDER**

**ARBAB ALI HAKRO J:-** Through this petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the Petitioners, both serving officials of the Food Department have approached this Court seeking protection against alleged harassment at the hands of police officials, as well as assailing the suspension orders issued against them on the basis of an FIR registered on 13.02.2026.

2. The petitioners assert that they are serving government employees, petitioner No.1 Shahbaz Khan as Food Inspector and Petitioner No.2 Niaz Ahmed as District Food Controller, Tando Allahyar. An FIR bearing Crime No. 55/2026 was registered at Police Station "A"-Section, Tando Allahyar, under Sections 380, 409, 420, 269, 270 and 273 PPC, alleging theft of wheat stocks and adulteration of government stored grain with mud and stones. The FIR, as reproduced in the record, alleges that, during a raid conducted by the complainant and revenue officials, the petitioners fled from the scene. At the same time, several labourers were apprehended, and the labourers allegedly disclosed that the petitioners had directed them to mix mud and gravel with the wheat stocks and to remove government wheat illicitly. The petitioners state that they obtained protective bail from this Court for seven days to enable them to seek pre-arrest bail before the competent Sessions

Court. They further claimed that the Respondent department issued suspension orders dated 13.02.2026 against both petitioners, purportedly on the basis of the same allegations contained in the FIR. The petitioners allege that the police officials are bent upon arresting them unlawfully, fabricating further cases and subjecting them to harassment and intimidation. They also challenge the suspension orders as being arbitrary, premature and violative of service rules.

3. Learned counsel contends that the FIR is false and engineered by certain officials with ulterior motives. He submits that despite the protective bail, the police are allegedly attempting to arrest the petitioners and may implicate them in further fabricated cases. He further argues that the suspension orders were issued without any preliminary inquiry and solely on the basis of an untested FIR, thereby violating the petitioners' fundamental rights. He prays for directions restraining the respondents from causing harassment, for setting aside the suspension orders and for restoration of the petitioners to their previous positions.

4. We have heard learned counsel for the petitioners and examined the material available on record.

5. At the very outset, it is necessary to observe that the principal relief sought by the Petitioners, protection against harassment, has already been granted to them by this Court in C.P. No. S132 of 2026, wherein a clear direction has been issued that no harassment shall be caused to the petitioners by the official respondents during the subsistence of their protective bail. Once such protection has already been extended, the same relief cannot be sought again through a separate petition. Constitutional jurisdiction cannot be invoked to duplicate or multiply orders already granted.

6. As regards the challenge to the suspension orders, it is well-settled that suspension is an administrative measure, not a punishment and is ordinarily not amenable to judicial review unless shown to be patently without jurisdiction or actuated by mala fides. The competent authority has issued the suspension notifications placed on record and expressly cites the

allegations of shortages of wheat and adulteration of stocks. Whether the suspension was justified or premature is a matter falling squarely within the domain of departmental proceedings. The petitioners have an adequate alternate remedy under the relevant service laws and forums. Article 199 cannot be invoked as a substitute for statutory remedies.

7. Furthermore, the petition raises disputed factual controversies regarding the veracity of the FIR, the conduct of the petitioners and the circumstances of the alleged raid, matters which cannot be adjudicated in constitutional jurisdiction. In these circumstances, the petition does not disclose any ground warranting interference by this Court.

8. For the reasons recorded above, this petition is **dismissed** in *limine* along with pending application (s).

**JUDGE**

**JUDGE**

Sajjad Ali Jessar