

IN THE HIGH COURT OF SINDH, KARACHI

Present:

**Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro**

Constitution Petition No. D-5499 of 2024

(Farheen Aziz v. Province of Sindh through Secretary Law, Parliamentary Affairs & Criminal Prosecution Department, Govt. of Sindh and others)

Petitioner : Through Mian Shahbaz Ali, Advocate

Respondent No.1 : M/s. Hakim Ali Shaikh and Sageer Ahmed Abbasi, Additional Advocates General, Sindh alongwith Dr. Liaquat Ali Abro and Mr. Nadeem Ahmed Qureshi, Law Officers of Respondent No.1

Respondent No.2 : Through Mr. Zahoor Shah, Additional Prosecutor General, Sindh

Respondent No.3 : Through Mr. Abdul Ahad Ahmar Khan, Advocate

Date of hearing : 04.02.2026

Date of order : 04.02.2026

ORDER

Muhammad Saleem Jessar, J:- Through instant petition the petitioner has claimed the following relief:-

1. That the Honorable Court may graciously be pleased to declare order dated 20.09 2023 passed by Government of Sindh, Law, Parliamentary Affairs and Criminal Prosecution Department, illegal/unlawful/unconstitutional and void ab initio.
 2. That the Honorable Court may graciously be pleased to declare notification dated 15th April 2024 illegal/unlawful/unconstitutional and void ab initio having no legal effect.
 3. That the Honorable Court may graciously be pleased to direct respondent No.1 to pass an appropriate order for promotion of the petitioner in accordance with the law.
2. Heard learned counsel for the rival parties and perused the material available on record.

3. Since the grievance of the petitioner is governed by the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975, as in terms of Notification dated 15th April, 2024 *Final Seniority List* for the post of Assistant (BS-16) has been issued by the Secretary to the Government of Sindh, Law, Parliamentary Affairs & Criminal Prosecution Department, therefore, it requires adducing evidence whether the petitioner is senior than Respondent No.3 or not, which this Court has no jurisdiction in writ petition and being barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, hence, the petition is not maintainable. However, the petitioner submits that her applications are pending adjudication before Respondent No.1 and have not yet been decided. Accordingly, the Secretary to the Government of Sindh, Law, Parliamentary Affairs & Criminal Prosecution Department is directed to decide the application(s) of the petitioner pending before him within two months' time after providing an opportunity of hearing to all concerned, particularly in the light of the comments submitted by the necessary party/Prosecutor General, Sindh.

Instant petition is disposed of in the above terms alongwith pending applications.

**JUDGE
HEAD OF CONST. BENCHES**

JUDGE