

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

*Constitutional Petition No.D-318 of 2025
(Sajjad Ali and others v. Province of Sindh and others)*

Before:-

***Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider "Ada"***

Petitioners : Sajjad Ali and others, *through*
Mr. Achar Khan Gabol, Advocate.

Respondents : Province of Sindh and others,
through Mr. Ali Raza Baloch,
Additional Advocate General Sindh.

Date of hearing : 26.02.2026

Date of decision : 26.02.2026

ORDER

Ali Haider 'Ada' J; The stance of the petitioners is that they were appointed and remained in service with the Provincial Buildings Division Department, Sukkur, pursuant to offer/appointment letters issued in their favour. It is their case that, despite such appointment, their salaries were not released. Consequently, they approached this Court by filing Constitution Petition No. D-1396 of 2023, seeking directions for the release of their salaries. During the course of proceedings in the said petition, the department took the categorical position that the documents relied upon by the petitioners, including the alleged offer/appointment letters, were fake and bogus. It was further stated that the competent authority, namely the concerned Secretary, had already cancelled the alleged appointment/offer letters. In this context, this Court, vide order dated 23-05-2024, passed certain observations. For the sake of ready reference, the relevant paragraph No. 09 of the said order is reproduced hereunder:—

"9. In the light of dicta laid down by the Supreme Court in the case of Government of the Punjab supra, we direct the Chief Secretary, Sindh to constitute a Committee headed by him and comprising of the Secretary, concerned Department, and another appropriate member co-opted by him,

conduct an inquiry of alleged stopping of salary, fraud/forgery if any in the appointments and subsequent events, after providing ample opportunity of hearing to the Petitioners and fix responsibility in the matter and take action against the delinquent officials strictly under law and the observations made by the Supreme Court in the aforesaid case and submit a report to this Court through Additional Registrar of this Court, within three weeks, from the date of receipt of this order. However, if the appointment of the petitioners is found genuine their salary must be released forthwith after proper proceedings."

2. That thereafter, vide Notification dated 12-06-2024, a Sub-Committee was constituted to examine the matter. The said Committee comprised the Secretary, Works & Services Department, as Chairman; the Additional Secretary, Finance Department; a representative of SGA&CD not below BPS-18; a representative of the Office of the Accountant General; and one co-opted member, as nominated by the Chairman. The Enquiry Committee examined the entire available record and material, afforded an opportunity of hearing to the concerned parties, in its fourth session meeting. After considering all aspects of the case in detail during the course of the enquiry proceedings, the Committee recorded the following findings and recommendations: —

"FINDINGS:

The Sub-Committee after thoroughly Securitizing the available record has made the following findings:-

- i. The original record of the recruitment process is not available at Deputy Commissioner Office and Executive Engineer office, which has been confirmed by the representatives of these offices. That infect is a sorry state of affairs for an intuition like Deputy Commissioner.*
- ii. As per available record, the recruitment process was conducted on 11.04.2022, whereas, the minutes were issued on 07.11.2022, after lapse of 07 months*
- iii. There is a visible variation observed in signature of the Deputy Commissioner in his letter sent to the Executive Engineer Sukkur and Minutes of the meeting.*
- iv. The Section Officer/member SGA&CD Mr. Shan Ali testified before the committee that he is not in knowledge of any minutes sheet of approval, that he has signed.*
- v. The then Executive Engineer Sukkur Mr. Asadullah Bullo also testified before the committee that he is not in knowledge of any minutes sheet of approval, that he has signed.*

- vi. *Original copies of Advertisement, application of the candidates, List of participants, meeting notice for the DRC, etc are not available in the record.*
- vii. *During the period of recruitment, vacant positions were not available as per the Budget Book Volume-III.*
- viii. *The Executive Engineer, Provincial Buildings Division, Sukkur adopted Recruitment process wherein the approval/consultation of Chief Engineer and Superintending Engineer (concerned) and Administrative Department was not obtained.*
- ix. *As per TORs of the committee, the petitioners were heard in person and their statements were also taken. They failed to produce any orders and other relevant documentary evidence in defence of their claim (Annexure-IX).*

RECOMMENDATIONS:

In the light of probing by the enquiry Committee, it is unanimously recommended that:-

In the absence of the original and complete necessary documents, the process of appointments has not been verified as genuine and this committee expresses its inability to substantiate the authenticity of the claim of petitioners as per their plea in the court of Law."

3. That it is pertinent to note that the appointment orders of the petitioners had already been cancelled vide orders dated 12-06-2023 and 15-06-2023. Thus, the matter had attained finality at the departmental level. The subsequent proceedings before the Committee were, therefore, like a fact-finding exercise, which ultimately upheld the earlier decision declaring the alleged appointment/offer letters void and bogus, and consequently affirmed their cancellation. It is further pertinent to mention that on 01-10-2024, during the pendency of the enquiry proceedings, the petitioners filed a contempt application in the earlier petition primarily on the ground, as stated in para No. 03 thereof, that the department had failed to release their salaries and had not complied with the order of this Court dated 23-05-2024 (referred to supra). The said contempt application was, however, disposed of by this Court vide order dated 20-11-2024. For the ready reference, the relevant paragraph of the order dated 20-11-2024 is reproduced hereunder: –

"The present contempt application was only aimed to force the respondents to come up with the inquiry report which has come on surface if the petitioners are not satisfied with the findings of inquiry report or they are of the opinion that due process was not followed diligently in accordance

with law or in accordance with the dictum laid down in the referred case, they to have an opportunity to challenge Inquiry report process by filing independent petition. The present contempt application having culminated with the issuance of inquiry report is hereby concluded stands disposed of accordingly."

4. That now, through the instant petition, the petitioners have called in question the enquiry report primarily on the ground that the same is illegal and has been conducted in violation of the prescribed procedure. Under prayer (a), the petitioners seek a declaration that they were validly appointed and that their documents are genuine. Under prayer (b), they seek reinstatement/continuation in service. Under prayer (c), they have further prayed for the release of salaries and any other appropriate relief deemed just and proper by this Court.

5. The respondent department has filed para-wise comments, asserting therein that an enquiry was conducted pursuant to the directions of this Court; that the documents relied upon by the petitioners were examined and found to be bogus; and that, on such basis, their appointment orders had already been cancelled.

6. Learned counsel for the petitioners has mainly contended that this Court, while disposing of the earlier proceedings, had granted liberty to the petitioners to challenge the enquiry report, if aggrieved, through an independent petition. He further argued that the enquiry was conducted in a biased manner; that the documents of the petitioners are genuine; and that the matter was not examined thoroughly in accordance with the law. On such premises, he prayed for acceptance of the instant petition in terms of the prayer clauses.

7. Conversely, learned Additional Advocate General has contended that the enquiry was conducted strictly in compliance with the order of this Court. He submitted that the Enquiry Committee, after due verification of documents from all relevant quarters and scrutiny of the entire record, as well as after affording full opportunity of hearing to the petitioners and recording their statements, upheld and affirmed the earlier cancellation orders. He argued that no procedural irregularity, illegality, or violation of principles of natural justice has been demonstrated, and that the petitioners are merely seeking re-appreciation

of factual findings, which is not permissible in Constitutional jurisdiction. He finally prayed for dismissal of the petition.

8. Heard learned counsel for the parties and perused the material available on record.

9. First and foremost, it is to be examined as to which statutory provisions apply to the present controversy. In matters relating to allegations of misconduct or irregular/illegal appointments, the governing framework is provided under the Sindh Civil Servants Act 1973 and Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, framed under the Sindh Civil Servants Act, 1973, whereby the competent authority is empowered to conduct a departmental enquiry in accordance with the prescribed procedure. The object and purpose of a departmental enquiry is to examine allegations within the institution and to preserve public confidence in public administration. Reliance in this regard is placed upon the judgment of the Supreme Court of Pakistan in **Ikramuddin Rajput v. Inspector General of Police, Sindh, 2024 SCMR 510**, wherein it has been held that:

10. The purpose and sagacity behind initiating disciplinary proceedings by the employer is to ascertain whether the charges of misconduct levelled against the delinquent are proven or not and, if so, to determine the appropriate action against him under the applicable Service Laws, Rules and Regulations, which may include the imposition of minor or major penalties in accordance with the sound sense of judgment of the competent Authority..."

10. However, in the instant case, upon perusal of the material available on record, it is apparent that the enquiry findings, which the petitioners now challenge, are founded upon the already withdrawn order of the competent authority, whereby the petitioners' services were declined continuation on account of reliance on fake documents. The final order in this regard remains on record, and the enquiry proceedings have merely affirmed the observations made therein. At this stage, the factual controversy concerning the recruitment process and verification of documents germane to the appointments falls within the exclusive domain of the Service Tribunal, being the first fact-finding forum in matters of service law. The Service Tribunal exercises exclusive jurisdiction over issues relating to the terms and conditions of service of

civil servants, and matters connected therewith or ancillary thereto. The fundamental philosophy of its appellate jurisdiction is to ensure checks and balances through re-evaluation and re-examination of orders passed by lower fora or authorities. Reliance is placed upon the judgment of the Supreme Court of Pakistan in case of **Irfan Ali Pitafi v. Secretary (Colleges), Education Department, Sindh and others, 2026 SCMR 92**, wherein it was held that:

8. We have no disinclination to hold that the factual controversy with regard to the recruitment process and verification of documents germane to the appointments were required to be resolved by the Tribunal, being the first fact-finding forum in service matters. The learned Service Tribunal exercises exclusive jurisdiction in the matters relating to the terms and conditions of service of civil servants and for the matters connected therewith or ancillary thereto. The fundamental philosophy of the appellate jurisdiction is to ensure checks and balances by means of re-evaluation and re-examination of the orders passed by the lower fora or authority. The wisdom of setting up a Service Tribunal under Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, is to deal with and decide matters relating to the terms and conditions of service of Civil Servants. The Service Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against and for the purpose of deciding any appeal it is deemed to be a Civil Court. The astuteness of discretion in judicial power is meant to serve and advance the cause of justice in a judicious manner in aid of justice. While examining the impugned judgment, we have noted that the grievance, rather the contention, of the petitioners that they are fully covered in the list of the 166 employees and their credentials were already scrutinized by the competent authority, was not considered properly before dismissing the service appeals.

11. In view of the facts and circumstances discussed above, this petition is found to be without merit and is accordingly dismissed.

JUDGE

JUDGE