

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C. P No. D-183 of 2026

**Before**

*Mr. Justice Muhammad Saleem Jessar;  
Mr. Justice Abdul Hamid Bhurgri.*

Petitioner : Manzoor Ali Kalhoro  
Through Mr. Abdul  
Khaliq Kalhoro, advocate

Date of hearing : 25-03-2026  
Date of order : 25-03-2026

**ORDER**

***Abdul Hamid Bhurgri, J.-*** Through the instant constitutional petition, the petitioner has sought the following reliefs:-

- a) To declare that the refusal of respondent No.3 to accept the joining of the petitioner is illegal, unlawful and without jurisdiction.
- b) To direct the respondents to accept the joining report of the petitioner forthwith and allow him to perform his duties.
- c) To direct the respondents to release all unpaid salaries and benefits **from** the date of his transfer till actual reinstatement.
- d) To grant any other relief deemed just and proper in the circumstances of the case.

2. Briefly, the case of the petitioner is that he was appointed as Naib Qasid in the year 2012 by the competent authority and joined his duties at Union Council Bagi, Taluka Dokri. It is further stated that he was subsequently transferred by the competent authority to Union Council Misri Khan Chandio, Taluka Mirokhan in the year 2017. According to the petitioner, despite approaching respondent No.3 on several occasions, his joining report was not accepted, and he was not allowed to resume duties.

3. We have heard learned counsel for the petitioner and have perused the material available on record.

4. At the outset, it is noted that the petitioner has failed to place on record any documentary evidence, including salary slips or other official record, to demonstrate that he was ever regularly paid

salary by the department, as alleged. In the absence of such material, the foundational assertion of continuous service remains unsubstantiated.

5. Furthermore, when confronted with the issue of delay and laches, learned counsel for the petitioner submitted that the petitioner had approached the competent authorities from time to time; however, no material has been produced to substantiate such assertions. Even otherwise, mere representation, without any supporting record, does not sufficiently explain the inordinate delay.

6. The record reflects that, according to the petitioner's own showing, he last received salary in the year 2017, whereas the instant petition has been filed after an unexplained delay of about nine (09) years from the alleged cause of action. Such prolonged and unexplained delay attracts the doctrine of laches, which disentitles a litigant from invoking the constitutional jurisdiction of this Court.

7. It is well-settled that constitutional jurisdiction under Article 199 of the Constitution is discretionary in nature and cannot be invoked by a litigant who approaches the Court after undue and unexplained delay, particularly where rights, if any, have become stale. Reference in this regard may be made to the cases of *Imtiaz Ali Khan*<sup>1</sup>, *Special Secretary Law (II), Home and Tribal Affairs Department, Government of Khyber Pakhtunkhwa*<sup>2</sup>, and *Asghar Khan & others*<sup>3</sup>, wherein the Hon'ble Supreme Court has consistently held that delay defeats equity and relief under constitutional jurisdiction may be declined on the ground of laches alone.

8. In view of the above, we are of the considered opinion that the instant petition is hopelessly barred by laches and does not warrant interference by this Court in exercise of its constitutional jurisdiction.

9. Accordingly, this petition is dismissed in limine, along with pending applications. However, the petitioner is at liberty to avail any alternate remedy available to him under the law, if so advised.

**J U D G E**

**J U D G E**

Abdul Salam/P.A

1. *Imtiaz Ali Khan V/s State Bank through Governor and another* (PLJ 2012 289),  
2. *Special Secretary Law (II), Home and Tribal Affairs Department Government of Khyber Pakhtunkhwa V/s Fayaz Dawar*, (Civil Petition No.3750 of 2020)  
3. *Asghar Khan and 5 others V/s Province of Sindh Through Chief Secretary Government of Sindh and 4 others* (2014 P.L.C C.S 1292).

