

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4560 of 2026
(Bilal Ahmed Khan versus Province of Sindh & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 07.8.2026

Mr. Abdul Ahad Ahmar Khan, Advocate for the petitioner

ORDER

Adnan-ul-Karim Memon, J. Petitioner Bilal Ahmed Khan has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief: -

- I. *Pass directions to respondents No.1 to 5 for ensuring strict implementation of the Repatriation Notification dated 12.11.2025 issued against the respondent No.6 in its letter and spirit.*
- II. *Direct Respondents No.1 to 5 to immediately repatriate Respondent No.6 to his parent department, i.e., the Population Welfare Department, in compliance with the Repatriation Notification dated 12.11.2025;*
- III. *Issue a writ of Quo Warranto calling upon Respondent No.6 to show cause by what lawful authority he continues to hold the office of Assistant Registrar and/or Deputy Registrar (Audit) in the Cooperative Department, and upon his failure to do so, to declare his occupation of the said offices as illegal, unconstitutional, and void ab initio;*
- IV. *Declare that the Impugned Deputation Notifications dated 29.04.2024 and 22.05.2024 are illegal, without lawful authority, and void ab initio;*
- V. *Declare that the Notification dated 22.09.2025 establishing the Complaint and Vigilance Cell and designating Respondent No.6 as its In-charge is illegal and without lawful authority;*
- VI. *Direct Respondents No.1 to 5 to recover the entire salary and emoluments illegally drawn by Respondent No.6 from the Cooperative Department's exchequer for the period after 12.11.2025, and to deposit the same into the public exchequer,*
- VII. *Direct Respondents No.1 to 5 to initiate disciplinary and criminal proceedings against Respondent No.6 and all other officers/officials responsible for facilitating the illegal deputation, the fraudulent repatriation, the continued salary drawls, and the systematic extortion of cooperative societies;*
- VIII. *Direct Respondents No.1 to 5 to ensure that the promotions of eligible officers from BS-17 to BS-18 in the Cooperative Department are processed without further delay and without reference to the illegal occupancy of respondent No.6.*
- IX. *Direct that the Provincial Government shall forthwith take over the administration of the Cooperative Department through an officer not below the rank of BS-20 to ensure the restoration of institutional integrity.*

2. The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, seeking issuance of a writ of quo warranto against Respondent No. 6, who is alleged to be unlawfully occupying the posts of Assistant Registrar (BS-17), Deputy Registrar (Audit) (BS-18), and In-charge Complaint and Vigilance Cell in the Cooperative Department. It is contended that his deputation from the Population Welfare Department was made in violation of the Sindh Civil Servants Act, 1973, the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, and the law laid down by the Honourable Supreme Court in 2013 SCMR 1752. According to the petitioner, Respondent No. 6 was initially deputed through notifications dated 29.04.2024 and 22.05.2024. During the pendency of C.P. No. D-5483 of 2025, the Government produced a repatriation notification dated 12.11.2025, on the basis of which the petition was disposed of as infructuous on 28.11.2025. However, the petitioner asserts that the repatriation was never implemented, as Respondent No. 6 continued to function in the Cooperative Department, occupy official offices, exercise administrative powers, and draw salary from the Cooperative Department even after the repatriation notification, thereby committing a fraud upon this Court. It is further alleged that Respondent No. 6, an Accounts Officer of the Population Welfare Department, possesses neither the qualifications nor the experience required for the specialized post of Assistant Registrar in the Cooperative Department. Despite this, he has also assumed the charge of Deputy Registrar (Audit) (BS-18) without any lawful appointment or promotion, thereby blocking the promotional prospects of eligible departmental officers. The petitioner further challenges the notification dated 22.09.2025, whereby Respondent No. 6 was appointed In-charge of the Complaint and Vigilance Cell with extensive executive powers, despite the legality of his posting already being under challenge before this Court. It is alleged that he has misused these powers by interfering in departmental affairs, controlling audits, NOCs and approvals, and extorting cooperative societies through unauthorized officials. The petitioner also alleges that Respondent No. 6 is simultaneously associated with private business entities in violation of the Sindh Civil Servants Act, 1973, giving rise to a conflict of interest.

3. The petitioner's counsel submits that the impugned deputation, the continued occupation of public office after the repatriation notification, the assumption of higher posts without lawful authority, and the conferment of executive powers upon Respondent No.6 violate Articles 4, 25, 240 and 242 of the Constitution, the Sindh Civil Servants Act, 1973, the Rules of 1974, and the principles laid down by the Honourable Supreme Court. Accordingly, the petitioner seeks implementation of the repatriation notification dated 12.11.2025, issuance of a writ of quo warranto, declaration that the impugned deputation and

vigilance notifications are void, recovery of salaries allegedly drawn after repatriation, initiation of disciplinary and criminal proceedings against the responsible officers, protection of the promotion rights of eligible departmental officers, and proper.

4. In view of the submissions made by the learned counsel for the petitioner and the material placed on record, it appears that although the petition was framed with prayers including issuance of a writ of *quo warranto*, during the course of arguments the learned counsel fairly conceded that the real grievance of the petitioner is not the determination of the private respondent's entitlement to hold a public office, but the non-implementation of the Government's own Repatriation Notification dated 12.11.2025. The relief actually sought is, therefore, in the nature of a writ of mandamus, seeking enforcement of an administrative decision already taken by the competent authority.

5. It is also an admitted position that in the earlier round of litigation, the challenge to the deputation of Respondent No.6 was disposed of on the basis of the statement made by the official respondents that the private respondent had already been repatriated to his parent department through Notification dated 12.11.2025. If, despite issuance of the said notification, the competent authorities have failed to implement their own order, such failure is essentially an administrative matter which must first be addressed by the executive authorities responsible for its execution.

6. This Court, while exercising constitutional jurisdiction under Article 199 of the Constitution, does not ordinarily supervise the day-to-day implementation of administrative orders where the competent authority itself is under a statutory obligation to act in accordance with law. Since the Government has already taken a conscious decision by issuing the repatriation notification, it is for the Services, General Administration & Coordination (SGA&C) Department, Government of Sindh, being the competent authority, to ensure its implementation strictly in accordance with law. If the notification remains unimplemented without any lawful justification, the consequences arising therefrom shall be governed by the applicable service laws and rules.

7. Accordingly, without expressing any opinion on the merits of the allegations regarding the legality of the deputation, the private respondent's continuation in office, or the other ancillary reliefs sought in the petition, the constitutional petition, along with all pending applications, is disposed of with the observation that the SGA&C Department shall take appropriate steps to implement its Notification dated 12.11.2025, if the same remains valid and

operative, strictly in accordance with law and after fulfilling all legal requirements. In case any aggrieved party remains dissatisfied with the action or inaction of the competent authority, it shall be at liberty to seek such remedy as may be available under the law.

JUDGE

JUDGE

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