

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-3858 of 2026
(Muhammad Shahid 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. Muhammad Nawaz Dahri, Advocate for the petitioner
Mr. Ali Safdar Depar, Assistant AG

ORDER

Adnan-ul-Karim Memon, J. Petitioner Muhammad Shahid has called in question the action of the respondents, whereby they failed and neglected to decide his appeal dated 26.3.2022 against the termination/dismissal from service order dated 18.2.2022 / 28.2.2022.

2. The petitioner's counsel submits that he was appointed as Staff Nurse at the National Institute of Cardiovascular Diseases (NICVD), Karachi on 26.10.2016 through the competent authority and discharged his duties honestly, diligently, and with an unblemished service record. In recognition of his satisfactory performance, he was promoted and redesignated as Coordinator Nursing on 01.11.2018 through the Departmental Promotion Committee. Prior to the impugned proceedings, no disciplinary action, warning, or show cause notice had ever been issued against him. It is the petitioner's case that disciplinary proceedings were initiated through an enquiry notice dated 01.02.2022, which was served upon him only on 03.02.2022, the very day the enquiry was conducted, thereby depriving him of a fair opportunity to prepare his defence. He further alleges that HR officials forcibly removed him from his workplace, attempted to compel him to acknowledge a backdated notice, subjected him to humiliation and threats, and unlawfully seized his personal mobile phone, allowing the IT Department to access and copy his private data without lawful authority. The petitioner's counsel contends that he was verbally suspended without any written order and that the suspension letter dated 03.02.2022 was actually served upon him on 10.02.2022, demonstrating that it had been backdated. He submitted that despite submitting a detailed explanation, the respondents allegedly proceeded with a predetermined mindset and even initiated a second enquiry on the same allegations, reflecting mala fide intent. He further asserts that Respondent No.3, being Head of HR & OD and directly involved in the subject matter, actively participated in the enquiry despite an apparent conflict of interest, rendering the proceedings biased and unfair. According to the petitioner, the allegations against him pertained to recruitment and administrative matters falling within the exclusive domain of the HR Department and had no nexus with his official duties. He further maintains that no witnesses or credible

evidence were produced during the enquiry and that the findings were based on conjecture rather than proof. He was ultimately dismissed from service through letter dated 28.02.2022, which was subsequently modified by another communication dated 24.03.2022 changing the effective date of dismissal to 18.02.2022, thereby indicating manipulation of official record. He also alleges that confidential enquiry documents and dismissal orders were circulated in unofficial WhatsApp groups before being formally communicated, demonstrating bias and pre-judgment. Being aggrieved, the petitioner preferred a statutory departmental appeal before the Executive Director, NICVD, challenging the suspension, enquiry proceedings, and dismissal on the grounds of violation of due process, bias, mala fide, and lack of evidence. He submits that the appeal was neither decided fairly nor in accordance with the applicable service regulations, and that he was denied an effective opportunity of hearing, rendering his statutory remedy illusory. The petitioner's counsel further states that he is the sole breadwinner of his family and has suffered severe financial hardship and mental distress due to the impugned actions. He had earlier filed Constitutional Petition No. D-5335 of 2022, which was dismissed for non-prosecution on 25.08.2025. According to him, he did not pursue the earlier petition because officials of NICVD repeatedly assured him that he would be reinstated and his grievance resolved amicably. Relying upon those assurances, he refrained from further litigation; however, no reinstatement was effected. He thereafter made repeated approaches and submitted representations, including a written application dated 14.05.2026, but no action was taken. He further submits that his departmental appeal and representations have remained undecided, leaving him without any adequate and efficacious remedy except to invoke the constitutional jurisdiction of this Court.

3. The petition is founded on the grounds that the impugned suspension, enquiry proceedings, and dismissal are illegal, arbitrary, mala fide, and violative of the principles of natural justice; that the petitioner was denied a fair opportunity of defence; that the enquiry was conducted by a biased authority acting in conflict of interest; that the allegations were beyond the scope of the petitioner's official duties; and that manipulation of official records renders the entire disciplinary proceedings void. The petitioner, therefore, prays that the respondents be directed to decide his departmental appeal in accordance with law; that the suspension, enquiry proceedings, and dismissal order be declared illegal and set aside; that he be reinstated in service with continuity, seniority, back benefits and all consequential service privileges; that the actions of Respondent No.3 be declared mala fide and without legal effect; and that any other appropriate relief, including costs, be granted in the interest of justice.

4. After arguing the matter at some length, learned counsel for the petitioner submits that he would be satisfied if this petition may be disposed of with

direction to the competent authority of respondents to decide the appeal of the petitioner within 30 days after providing opportunity of being heard to the petitioner. The request seems to be reasonable.

5. The learned AAG present in court in some other matters waived notice and states that appropriate direction for decision on his appeal may be made to the respondents.

6. We have heard the learned counsel for the petitioner on the issue of decision on his appeal and perused the record with his assistance.

7. The present constitutional petition was/is confined to the limited grievance that the petitioner's statutory departmental appeal dated 26.03.2022 against his dismissal from service had remained undecided for an inordinate period. Since the petitioner had already availed the remedy provided under the applicable service regulations, the respondents were/are under a legal obligation to decide the appeal within a reasonable time by passing a reasoned and speaking order after affording the petitioner an opportunity of hearing. Failure to discharge this statutory duty amounted to administrative inaction and denial of due process, thereby justifying invocation of the constitutional jurisdiction of this Court under Article 199 of the Constitution.

8. Without expressing any opinion on the merits of the disciplinary proceedings, the allegations of mala fide, bias, violation of natural justice, or legality of the dismissal order, this Court deemed it appropriate to direct the competent appellate authority to decide the pending appeal of the petitioner strictly in accordance with law.

9. Accordingly, the constitutional petition is disposed of alongwith listed applications with a direction to the competent authority of respondents to decide the petitioner's departmental appeal within thirty days, leaving all questions regarding the legality of the suspension, enquiry proceedings, dismissal, allegations of mala fide, bias, and entitlement to reinstatement open for determination by the competent appellate authority. In the event the respondents fail to comply with the directions of this Court within the prescribed time or pass an order contrary to law, the petitioner shall be at liberty to seek appropriate legal remedy in accordance with law.

A copy of this order be provided to the respondents for compliance in time.

JUDGE

JUDGE