

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. D-5041 of 2025

(Asif Hussain Mughal v. Province of Sindh through Chief Secretary Sindh and others)

Date	Order with signature(s) of Judge(s)
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Present:

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

Direction

- For orders as to maintainability of petition

15.04.2026

Mr. Jawad Ahmed Magsi, Advocate for the petitioner

M/s. Hakim Ali Shaikh and Sageer Ahmed Abbasi, Additional
Advocates General, Sindh

Through this petition the petitioner has claimed following
relief:-

- a) Declare the impugned Notification No: SO (PM-II) 9-961/2023 vide dated 6th October, 2025 to the extent of Sr. Nos. 4, 8, 21, 24, 37, 45 & 46, as illegal, unlawful and malafide in blatant violation of the recruitment rules notified by Government of Sindh and the Sindh Government Rules of Business 1986.
- b) Direct the respondent No. 2 to convene the Departmental Promotion Committee (DPC) for promotion of the petitioner in furtherance of the letter issued by the Health Department, Government of Sindh, to the Directorate of Nursing, Sindh, dated 23 April 2025, and the subsequent letter by the Directorate of Nursing, Sindh, wherein the cases of seven Assistants (BPS-16) were forwarded promotion to Superintendent (BPS-17), with the petitioner's name listed at Serial No. 7.
- c) Direct the respondents not to take any coercive or adverse action against the petitioner for having filed the instant petition.
- d) Grant any other relief deemed just and appropriate in the circumstances of this case.
- e) Award the costs of this petition."

2. Learned Additional Advocate General, Sindh files comments alongwith set of documents on behalf of Respondent No.4 under cover of his statement dated 15.04.2026 and hands over copy to the learned counsel for the petitioner.

3. Learned counsel for the petitioner, when confronted with the impugned Notification No. SO (PM-II) 9-961/2023 dated 06.10.2025, whereby certain officers in BPS-17 were transferred consequent upon their promotion, was unable to assist this Court regarding maintainability of this petition, as admittedly the petitioner is a civil servant, and his case falls within the jurisdiction of the Sindh Service Tribunal, which has exclusive jurisdiction over the matters relating to the terms and conditions of service and the petitioner has a right to file an appeal against the impugned order adversely affecting terms and condition of his service before the Tribunal subject to the qualification provided therein.

4. Keeping in view the above-mentioned facts and circumstances of the case, we do not see any infringement of the right of the petitioner, which could be called in question by way of writ petition ignoring the hierarchy for redressal of his grievance.

5. Considering the case of the petitioner in the above perspective, we find this petition not maintainable under Article 199 of the Constitution, which is dismissed accordingly. However, the petitioner may seek an appropriate remedy as provided under the law.

Judge
Head of Const. Benches

Judge