

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D – 4302 of 2026
(Mast Ali versus Province of Sindh & others)

DATE

ORDER WITH SIGNATURE OF JUDGES

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing & orders: 11.9.2026

Mr. Ahmed Ali Ghumro, Advocate for the Petitioner.
Mr. Ali Safdar Depar, AAG.

ORDER

Adnan-ul-Karim Memon, J. Petitioner Mast Ali has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs:

- i. *To direct the Respondent No.1 to constitute independent committee/technical committee to conduct a fresh physical verification, inspection and assessment of the wheat stocks lying at SGG-III (B), Landhi Godown, Malir, Karachi, in the presence of the Petitioner, and to place the inspection report before this Honourable Court or this Honourable court may appoint, commissioner to conduct the inspection physically verification of the wheat stock lying in Godown,*
- ii. *To direct the Respondent No.2 to conduct regular inquiry, of the allegations levelled against the petitioner without violating the principles of natural justice, after affording the Petitioner a full and meaningful opportunity of hearing, producing evidence, and defending himself in regular inquiry as the petitioners has denied the allegations in reply of show cause notices.*
- iii. *To direct the Respondents to afford the Petitioner a fair and meaningful opportunity of personal hearing after the regular inquiry strictly in accordance with Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973, and to ensure compliance with the principles of due process, natural justice.*
- iv. *Pending the conclusion of such regular departmental inquiry, restrain the Respondents from taking any coercive or adverse action against the Petitioner on the basis of the fact-finding reports or Show Cause Notices.*
- v. *To grant an ad Interim and, thereafter, interim injunction restraining the Respondents, their subordinates, agents, or any person acting on their behalf from taking any adverse or coercive action against the Petitioner pursuant to the impugned proceedings during the pendency of the present Constitutional Petition.*

2. The case of the Petitioner, in brief, is that he is serving as Incharge, SGG-III, Landhi Godown, Malir, Karachi, under the Food Department, Government of Sindh, and is responsible for the same custody and preservation of government wheat

stocks. He contends that despite his unblemished service record and compliance with departmental rules and policies, the Respondents have arbitrarily subjected him to harassment and victimization without conducting a lawful departmental inquiry or affording him a proper opportunity of hearing. The Petitioner states that pursuant to directions for physical verification of wheat stocks, a fact-finding committee was constituted, but it neither visited SGG-III (B), Landhi, nor physically verified, measured or assessed the wheat stocks. Nevertheless, it allegedly recorded a shortage of 12,516.924 metric tons, along with damaged/non-FAQ stocks, solely on the basis of documents and without physical or scientific verification. The Petitioner asserts that the official Daily Stock Reports and the report of the District Food Controller reflected substantial wheat stocks at the godown, and that he had also submitted an updated stock report showing an available balance of 14,265.455 metric tons. He further states that he had already informed the competent authorities through letters dated 02.12.2025 regarding carry-over and damaged wheat and requested timely utilization/disposal, but no effective action was taken by the Department. Therefore, any deterioration in the wheat, if established, could not be attributed to him. The Petitioner further challenges a second fact-finding report concerning wheat quality, contending that the committee again failed to physically inspect the godown, collect samples or conduct laboratory testing, yet concluded that the wheat contained 12% impurities and was non-FAQ. It is urged that despite this, Respondent. No. 2 issued a Show Cause Notice dated 27.04.2026 alleging 50% impurities, which was materially inconsistent with the committee's report. The Petitioner submitted detailed replies dated 11.05.2026 and 06.07.2026, denying the allegations and requesting a regular departmental inquiry for determination of the facts through proper evidence and due process. He maintains that the Respondents ignored his explanations and official record and proceeded against him on the basis of unsupported fact-finding reports, in violation of the principles of natural justice and Articles 4, 9, 14 and 25 of the Constitution.

3. Learned counsel for the petitioner submits that the impugned proceedings have been initiated solely on the basis of an unsupported and unverified fact-finding report, without any physical inspection, verification or examination of the official record. He contends that despite the competent authority directing collection and verification of the relevant record, no member of the committee visited the godown or conducted any physical assessment of the wheat stocks. The committee, therefore, had no lawful or evidentiary basis to record findings regarding alleged shortage, damaged wheat or Non-FAQ wheat. Counsel further submits that the petitioner produced photographs dated 30.04.2026 and 04.07.2026 showing substantial wheat stocks physically available at the godown, while the Daily Stock Reports and District Food Controller's report dated 15 no 2020 also confirmed

availability of 14,265,455 metric tons of wheat. Per learned counsel these official and physical materials were ignored, whereas allegations regarding shortage of 12,516.974 metric tons and impurities were recorded without physical verification, laboratory analysis or technical assessment. He further points out the contradiction between the allegation of 50% impurities in the show-cause notice and 12% impurities as mentioned in the fact-finding report. It is argued that the petitioner had repeatedly requested a regular departmental inquiry and had already informed the competent authorities regarding carry-over and damaged wheat stocks, but no effective action was taken. It is submitted that a fact-finding exercise, being merely preliminary in nature, could not by itself be treated as substantive evidence for fixing liability or imposing adverse civil consequences without a regular inquiry. recording of evidence and affording a meaningful opportunity of defence. Learned counsel maintains that the impugned disciplinary proceedings are arbitrary, based on conjectures and assumptions, and violative of the principles of natural justice, audi alteram partem and due process guaranteed under Articles 4, 9, 10-A, 14 and 25 of the Constitution. He, therefore, prays that an independent/technical committee be constituted for fresh physical verification of the wheat stocks and that a regular departmental inquiry be conducted in accordance with law, while restraining the respondents from taking any coercive or adverse action against the petitioner on the basis of the impugned fact-finding reports and show-cause notices. Learned counsel for the Petitioner lastly submitted that, in order to ascertain the actual position and avoid unwarranted disciplinary proceedings, the wheat stock may be physically inspected and verified by the Nazir of this court at the cost of the Petitioner. He submitted that such inspection would conclusively determine whether the alleged shortage/missing stock actually exists and would establish the factual position for smooth way out for the parties.

4. Learned AAG, while controverting the submissions of learned counsel for the Petitioner, submits that the disciplinary proceedings initiated against the Petitioner in shape of show cause notice are in accordance with law and have been undertaken based on departmental record and the fact-finding reports prepared by the competent authorities. It is contended that the fact-finding exercise was conducted pursuant to official directions for ascertaining the position of government wheat stocks and the allegations regarding shortage, deterioration and non-FAQ wheat cannot be brushed aside in constitution petition merely on the assertion of the Petitioner. It is added that the alleged photographs and stock statements relied upon by the Petitioner do not, by themselves, conclusively establish the actual quantity or quality of the government wheat stocks, nor can the Petitioner seek determination of disputed questions of fact in constitutional jurisdiction. He emphasized that the Show Cause Notice merely afford an opportunity to the Petitioner to explain the allegations and do not constitute a final

determination of his guilt or liability. He submitted that the Petitioner has already submitted his replies, which would be considered by the competent authority in accordance with law, and no final adverse order has yet been passed against him. Learned AAG further submits that the request for appointment of the Nazir or an independent committee for physical verification is unwarranted at this stage, as the departmental authorities are competent to assess the relevant record and proceed under the applicable service rules. It is, therefore, argued that the Petitioner has an adequate remedy in the outcome of departmental proceedings before the Service Tribunal, that no violation of natural justice or Article 10-A is presently established, and that the Constitutional Petition, being premature and involving disputed questions of fact, is liable to be dismissed.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. The allegations regarding shortage, deterioration and quality of wheat involve disputed questions of fact which require examination of the departmental record, physical stock, relevant measurements, sampling and other evidence, and such factual controversy cannot ordinarily be conclusively adjudicated in constitutional jurisdiction under Article 199 of the Constitution.

7. In the circumstances, the challenge to the show-cause notices is misconceived, as issuance of a show-cause notice, by itself, does not amount to punishment under the service law nor does it create any final civil consequence against the Petitioner. A show-cause notice is essentially a preliminary and procedural step whereby the competent authority communicates the allegations and affords the employee an opportunity to explain his position before arriving at any final conclusion. The fact-finding reports relied upon by the Department are likewise preliminary in nature and cannot be equated with a final finding of misconduct or an order imposing any penalty. However, it is for the competent authority to look into that aspect of the case. The Petitioner has already submitted his replies to the notices, which are required to be considered by the competent authority in accordance with law. At this stage, therefore, no concluded violation of the principles of natural justice or Article 10-A of the Constitution can be attributed to the Respondents merely because disciplinary proceedings have been initiated against the petitioner besides against the show cause notice, petition is not maintainable under Article 199 of the Constitution.

8. The questions raised by the Petitioner regarding the alleged shortage, quality of wheat, percentage of impurities, physical availability of stock and responsibility for deterioration involve disputed questions of fact, which are matters determination by the competent departmental authority on the basis of evidence

and the procedure prescribed under the applicable service rules. The constitutional jurisdiction of this Court is not ordinarily intended to interrupt disciplinary proceedings at the stage of show-cause notice, particularly when no final order of punishment has yet been passed. The Petitioner shall, however, remain entitled to all procedural safeguards available under the relevant service law and shall not be visited with any penalty or adverse civil consequence unless the allegations are established through the procedure prescribed by law and he is afforded a meaningful opportunity of defence. Accordingly, the Constitutional Petition, insofar as it seeks to quash or restrain the show-cause proceedings merely on the ground of issuance of the notices, is premature and does not warrant interference under Article 199 of the Constitution. The competent authority may proceed with the matter strictly in accordance with law, consider the Petitioner's replies and, where required by the applicable rules, conduct a regular/departmental inquiry before determining any liability or imposing any penalty subject to all just exceptions as provided under the law.

9. Consequently, no case for appointment of the Nazir of this Court or issuance of a direction for a fresh physical verification at this stage is made out, as such an exercise would effectively require this Court to undertake factual investigation in exercise of constitutional jurisdiction. The departmental authorities are competent to undertake such verification, inspection, measurement or technical assessment, if considered necessary, in accordance with law.

10. The Petition, therefore, is disposed of as premature, with a direction to the competent authority to proceed strictly in accordance with the applicable service rules, consider the Petitioner's replies and all relevant record, and, if disciplinary action is proposed, provide him the opportunity of hearing and defence mandated by law by conducting inquiry as required in law and decisions of the Supreme Court.

JUDGE

JUDGE

Nadeem Qureshi PA