

# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

## C.P No.D-1097 of 2026.

[Mohammad Shah Muzzam Vs. Govt. of Sindh & others]

### Before:

Justice Adnan-ul-Karim Memon.

Justice Muhammad Jaffer Raza.

Petitioner : Mohammad Shah Muzzam **through** Ms. Razia Ali Zaman Patoli, Advocate.

Respondents : Govt of Sindh & others **through** Mr. Rafique Ahmed Dahri, Additional Advocate General, Sindh alongwith Jhaman Das (Assistant Commissioner, Talhar) on behalf of D.C. Badin and Shahid, Section Officer (Litigation), Board of Revenue, Sindh, Hyderabad.

Date of Hearing : 13.10.2026.

Date of Decision : 13.10.2026.

## O R D E R

**Adnan-ul-Karim Memon, J :-** The petitioner, a Mukhtiarkar previously posted at Taluka Talhar, District Badin, has challenged the explanation letter dated 02.02.2026 and suspension notification dated 14.05.2026, alleging that the impugned actions were taken pursuant to directions issued by the executing court in F.C. Suit Nos. 30/2020, 31/2021 and 65/2021, without issuing a show-cause notice or affording an opportunity of hearing.

2. The case of the petitioner is that he is serving as Mukhtiarkar Revenue and was last posted at Taluka Talhar, District Badin, and challenges the explanation letter dated 02.02.2026 and suspension notification dated 14.05.2026. He submits that the explanation letter, received on 20.03.2026, was issued on the basis of allegations of unauthorized absence for five days, non-responsiveness to telephone calls, negligence, and improper behaviour towards the public.

3. The learned counsel for the petitioner contends that the allegations are false and misconceived, as he was performing field duties and complying with the orders of the competent Court in F.C. Suit No.30/2021 and connected execution proceedings, under intimation to his superior officers. He submitted a reply dated 16.03.2026, supported by relevant documents, but despite being verbally assured that the explanation letter would be recalled, no formal order was issued. He further submits that he was not allowed to join his duties and, owing to stress and hypertension, applied for medical leave on 06.05.2026 along with the doctor's prescription; however, no order was passed on his application. Instead, the respondents issued the impugned suspension notification dated 14.05.2026, threatening

disciplinary proceedings. According to the petitioner, the impugned actions are arbitrary, mala fide, discriminatory, and contrary to the principles of natural justice, having been taken without properly considering the documentary evidence regarding his court appearances and official duties. He claims that he has been unlawfully deprived of his employment without any substantiated complaint from the public and that the impugned actions are the result of misleading information and personal grudge. Having no other efficacious remedy, the petitioner has invoked the constitutional jurisdiction of this Court, seeking setting aside of the explanation letter and suspension notification, and protection against coercive or disciplinary action during the pendency of the petition. Learned counsel agrees to the disposal of the petition with directions to the competent authority to conclude the disciplinary proceedings within one month after providing the petitioner a meaningful opportunity of hearing.

3. Learned A.A.G. also undertakes to conclude the proceedings within the same period, while contending that the petition is not maintainable as suspension is not a punishment.

4. In view of the submissions advanced by learned counsel for the petitioner and the learned A.A.G.

5. On perusal of the record with the assistance of counsel for the petitioner and learned Additional A.G, it appears that the controversy primarily concerns the legality of the disciplinary action initiated against the petitioner and the fairness of the proceedings undertaken by the competent authority. Although suspension, by itself, does not ordinarily constitute a punishment and may be resorted to in accordance with the applicable service rules, the exercise of such power remains subject to the requirements of law, fairness and due process.

6. The allegations of unauthorized absence, negligence and improper conduct, as well as the petitioner's explanation that he was performing official duties pursuant to directions of the competent Court, involve factual matters requiring proper examination by the competent authority. The petitioner's reply dated 16.03.2026, the documents relied upon in support thereof, and his subsequent application for medical leave are, therefore, required to be considered objectively by the competent authority, without presumption of guilt or undue influence from any extraneous consideration.

7. Since learned counsel for the petitioner has agreed to the disposal of the petition with a direction for expeditious conclusion of the disciplinary proceedings, and learned A.A.G. has also undertaken to ensure their completion within the same period, no useful purpose would be served by keeping this petition pending.

8. Accordingly, without expressing any opinion on the merits of the allegations or the validity of the impugned actions, this petition is disposed of with the direction to the competent authority to conclude the disciplinary proceedings, strictly in accordance with the applicable service rules and law, within one month from receipt of this order, after providing

the petitioner a meaningful opportunity of hearing and considering his explanation and supporting documentary evidence through a reasoned and speaking order. The petitioner shall extend full cooperation and shall not seek unnecessary adjournments. Needless to observe that the proceedings shall be decided independently, on the basis of the available record, and that any consequential action shall be taken strictly in accordance with law.

J U D G E

J U D G E

Sajjad Ali Jessar