

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.D-1333 of 2025

Date	Order With Signature Of Judge
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Direction.
 For hearing of CMA No.20176/2026.

14.10.2026

Mr. Abdul Salam Memon, advocate for the petitioner.
 Mr. Zohaib Zulfiqar Sarki, Addl AG Sindh.
 Dr. Habib-ur-Rehman Solangi, Deputy Director Law Sindh EPA.

ORDER

The instant contempt application arises out of the order dated 10.04.2025, whereby this Court disposed of the constitutional petition with directions to the competent authority to decide the petitioner's case concerning leave and subsequent absence from duty, after affording an opportunity of hearing to the parties, in the light of the principles laid down by the Honourable Supreme Court in Sakhib Zar v. M/s K-Electric Limited and others (2024 SCMR 1722).

2. Pursuant to the aforesaid directions, the respondents initially submitted a compliance report stating that the petitioner had remained absent from duty from 01.07.2013 to 02.11.2020 without sanctioned leave and had consequently ceased to be in service under Rule 33 of the Civil Service Regulations (CSR). It was further stated that the petitioner was afforded an opportunity of personal hearing but failed to furnish any satisfactory justification for his prolonged absence. Being dissatisfied with the said compliance, the petitioner has moved the instant contempt application, alleging that the directions of this Court have not been complied with in their true letter and spirit.

3. Today, learned Assistant Advocate General, Sindh, accompanied by Dr. Habib-ur-Rehman Solangi, Deputy Director (Law), Sindh Environmental Protection Agency, submits that the competent authority, namely the Secretary, Environment, Climate Change and Coastal Development Department, Government of Sindh, has reconsidered the matter in compliance with the directions of this Court. It is submitted that, after examining the relevant service record, applicable rules, and legal opinion obtained from the office of the learned Advocate General, Sindh, and after affording the petitioner an opportunity of personal hearing, the competent authority passed a fresh, reasoned and speaking order dated 28.09.2026. A copy thereof has been placed on record as Annexure-I to the compliance report. It is further contended that the matter has been reconsidered in the light of the principles enunciated by the Honourable Supreme Court in Sakhib Zar's case (supra), and that no deliberate or wilful disobedience of the directions of this Court has been committed.

4. We have heard the learned counsel for the parties and examined the compliance report along with the speaking order dated 28.09.2026. The record reflects that the competent authority has undertaken the exercise directed by this Court, reconsidered the petitioner's case, afforded him an opportunity of hearing and passed a fresh speaking order. Thus, the directions contained in the order dated 10.04.2025, which essentially required reconsideration and decision of the petitioner's case in accordance with law, stand substantially complied with.

5. It is a settled principle of law that contempt jurisdiction is intended to secure obedience to judicial orders and cannot be converted into a substitute for appellate or judicial review proceedings. Mere dissatisfaction with the decision rendered by the competent authority, or the fact that such decision is adverse to the petitioner, does not ipso facto constitute wilful disobedience of a judicial order. Once the authority has undertaken the exercise directed by the Court and passed a reasoned order, the correctness, legality or propriety of such decision cannot ordinarily be examined within the limited scope of contempt proceedings. Any grievance against the fresh administrative order must be agitated before the appropriate forum through independent proceedings in accordance with law.

6. In view of the foregoing, we are satisfied that the respondents have substantially complied with the directions contained in the order dated 10.04.2025. No material has been brought on record establishing any deliberate or wilful disobedience on the part of Respondent No.2 warranting further exercise of contempt jurisdiction. Consequently, the compliance report is taken on record, the alleged contemnor/Respondent No.2 is discharged from the contempt proceedings, and the instant contempt application stands disposed of accordingly.

7. It is, however, clarified that the observations made herein are confined strictly to the question of compliance with the earlier directions of this Court and shall not be construed as an endorsement of the legality or merits of the speaking order dated 28.09.2026. The petitioner shall remain at liberty to challenge the said order before the competent forum, if so advised, in accordance with law.

JUDGE

JUDGE

This petition was disposed of vide order dated 10.04.2025, with directions to the competent authority to decide the petitioner's case regarding leave and his subsequent absence, after affording an opportunity of hearing to the parties, keeping in view the judgment of the Supreme Court in *Sakhib Zar v. M/s K-Electric Limited & others* (2024 SCMR 1722). In compliance therewith, a report was submitted by the respondent stating that the petitioner remained absent from 01.07.2013 to 02.11.2020 without sanctioned leave, and ceased to be in service under Rule 33 of the CSR, and he was afforded a personal hearing, and he failed to justify his prolonged absence.

Now, fresh contempt application has been moved on the ground that no order has been passed in accordance with the principles laid down by the Supreme Court. Today, learned AAG along with Dr. Habib-ur-Rehman Solangi, Deputy Director Law Sindh EPA submit that, pursuant to the directions of this Court, the competent authority, namely the Secretary, Environment, Climate Change & Coastal Development Department, Government of Sindh, reconsidered the matter, examined the relevant service record and applicable rules, afforded the petitioner an opportunity of personal hearing, obtained the requisite legal opinion from the office of the learned Advocate General, Sindh, and thereafter passed a fresh, reasoned and speaking order dated 28.09.2026. A copy of the said order has been placed on record as Annexure-I to the compliance report. It is further contended that the matter was reconsidered in accordance with the applicable law and the principles discussed by the Honourable Supreme Court of Pakistan in *Sakhib Zar v. M/s K-Electric Limited & Others* (2024 SCMR 1722). Learned counsel submits that the steps taken by Respondent No. 2 demonstrate bona fide compliance with the directions of this Court and that no deliberate or wilful disobedience has been committed by the alleged contemnor.

We have heard the parties and examined the compliance report along with the material placed on record. The record reflects that, pursuant to the directions issued by this Court, the competent authority has reconsidered the matter and passed a fresh speaking order dated 28.09.2026. The authority has, therefore, undertaken the exercise directed by this Court, subject to the terms of the operative orders passed in the matter.

It is settled that the question of compliance with a judicial direction is to be determined with reference to the nature and scope of the direction itself. Where the competent authority has undertaken the directed exercise and passed an order in accordance with law, an adverse decision against a party does not, by itself, establish willful disobedience of the Court's order. The legality or correctness of the administrative decision, if disputed, may be questioned through appropriate proceedings in accordance with law.

In the circumstances, and subject to the compliance report and speaking order satisfying the operative directions previously issued by this Court, no sufficient ground is made out for continuation of the present contempt proceedings against Respondent

No. 2. The compliance report is accordingly taken on record, and the alleged contemnor / Respondent No. 2 is discharged from the present contempt proceedings. The contempt proceedings are disposed of accordingly. It is clarified that this order shall not be construed as an expression of opinion on the merits or legality of the speaking order dated 28.09.2026, which may be challenged by the aggrieved party before the appropriate forum in accordance with law, if so advised.

JUDGE

JUDGE

Shahzad Soomro