HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1105 of 2026

[Syed Fida Hussain Shah vs. Province of Sindh and Others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By M/s Malik Naeem Iqbal and Muhammad Saleem Khaskheli, advocates
Respondents No.1&2	By Mr. Rafique Ahmed Dahri, Additional A.G
Respondents No.3&4	By Syed Muhammad Saulat Rizvi, assisted by Safdar Hussain Leghari and Syed Muhammad Mehdi Raza, advocates
Date of hearing	13.10.2026
Date of Decision	13.10.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- Petitioner prayed that this Court to:

i. Declare that the impugned Suspension Notification dated 25.05.2026 and the Show Cause Notice dated 01.06.2026 issued by the Chief Minister's Secretariat are illegal, arbitrary, malafide, without lawful authority, violative of the principles of natural justice, due process and the petitioner's fundamental rights under the Constitution, and to set aside the same with all consequential benefits including continuity of service, full pay and allowances, and without any break in service;

ii. Direct the respondents to allow the petitioner to complete his tenure of three (03) years as Director Finance in accordance with law and the appointment notification dated 20.09.2024, without any further victimization or interference on the basis of the already inquired allegations;

iii. Restrain the respondents from initiating, continuing or concluding any disciplinary proceedings against the petitioner on the basis of the allegations contained in the show cause notice dated 01.06.2026 or on the same set of allegations that were inquired into and practically quashed by the independent Inquiry Committee;

2. The petitioner claims to be a qualified Chartered Accountant and has filed this petition under Article 199 of the Constitution, challenging his suspension from service order dated 25.05.2026 and show-cause notice dated 01.06.2026 issued by the competent authority/Chief Minister, Sindh.

3. The case of the Petitioner is that he was appointed as Director Finance, Sindh Agriculture University, Tando Jam, for three years vide notification dated 20.09.2024. As per petitioner, under Section 30(2)(a) & (c) of the Sindh Agriculture

University Act, 1977, the petitioner was/is responsible for managing University finances and ensuring lawful expenditure. He alleges that the Vice Chancellor of the respondent university facilitated unauthorized payments of Rs.69.184 million without his scrutiny or concurrence and subsequently levelled false allegations against him when he objected to such move; ultimately, an inquiry committee was constituted, at his behest, on 07.01.2026, which submitted its report on 13.03.2026, finding the major charges against him unsubstantiated and recommending only a warning for procedural lapses on his part. He added that despite these findings, the competent authority issued the impugned actions without fresh material or inquiry. Alleging mala fide victimization for enforcing financial discipline, he seeks quashment of the impugned disciplinary actions, reinstatement with consequential benefits, and completion of his tenure.

4. We asked learned counsel as to how the petition is maintainable against the suspension order and show-cause notice, being matters relating to terms and conditions of service and disciplinary proceedings. The learned counsel for the petitioner argued that the impugned suspension and show-cause notice are without jurisdiction, unlawful, arbitrary and mala fide, contrary to the statutory framework governing his fixed tenure and disciplinary proceedings; therefore, this petition is maintainable under Article 199 of the Constitution. He emphasized that under Sections 16(2)(m) and 30 of the Sindh Agriculture University Act, 1977, the Syndicate holds disciplinary powers over University officers, while the Director Finance falls within the category of officers and he ensures lawful expenditure and, as such, the competent authority/Chief Minister Sindh cannot exercise the Syndicate's powers to initiate disciplinary proceedings against the petitioner without statutory authority or lawful delegation of powers under the statute. Counsel submits that the respondents disregarded the inquiry committee's findings and initiated proceedings without fresh material or valid reasons. He maintains that the petitioner was targeted for objecting to irregular payments of Rs.69.184 million and performing his statutory duties. He submitted that the circumstances indicate victimization and an attempt to exclude him from financial decision-making. He seeks intervention of this court under Article 199 of the Constitution against actions taken without lawful authority, beyond jurisdiction or in bad faith. He relied upon the cases of Prof. Dr. Qazi Tahiruddin v. The Secretary, Pakistan Medical Commission, Islamabad and others (2022 PLC (C.S.) 865, Vadiyaa S. Khalil and others v. Federation of Pakistan through Secretary, Cabinet Division and others (2020 PLC (C.S.) 460, Muhammad Tariq Malik v. Pakistan through Secretary Establishment Division and others (PLD 2014 Islamabad 38), Moazzam Husain Khan v. Government of Pakistan and Mian Anwar Ali (PLD 1958 (W.P) Karachi 35) (5) Mushtaq Ahmed Sabto v. Federation of Pakistan and others (2001 PLC (C.S.) 623, Riffat Hassan and others v. Federation of Pakistan through Chairman,

Federal Board of Revenue / Secretary, Revision Division and another (2011 PLC (C.S.) 562 He prayed to allow this petition.

5. The learned AAG opposes the petition as premature and not maintainable, submitting that no final adverse order has been passed and the petitioner has merely been asked to explain his conduct and impartial inquiry. He states that complaints and inquiry reports revealed financial irregularities, administrative inefficiency, misconduct, and delays affecting University operations and development projects. An initial inquiry by the Additional Secretary, Universities and Boards Department, culminated in a report dated 25.11.2025 recommending strict action, including removal from service. He adds that a subsequent three-member committee, in its report dated 13.03.2026, recommended a warning for identified lapses. The AAG argues that subsequent complaints conveyed through the Vice Chancellor's letters dated 30.03.2026, 18.04.2026 and 19.05.2026 justified further proceedings for disciplinary action by the competent authority. He maintains that the competent authority is not bound by the committee's recommendations, the petitioner's appointment is contractual, and an alternative departmental remedy exists. He, while denying mala fides and illegality, seeks dismissal of the petition.

6. Learned counsel for the respondent University also contests maintainability, submitting that the petitioner was appointed on contract under terms permitting termination on one month's notice. He alleges that the petitioner performed inefficiently, delayed payments for completed development works, obstructed administration, and exceeded his job description. He maintains that further proceedings were initiated following subsequent complaints and disputes the claim of complete exoneration, stating that the earlier inquiry identified lapses warranting a warning. He further alleges that, after suspension, the petitioner delayed handing over charge, remained absent without sanctioned leave, continued asserting financial authority, and retained or removed official financial records without satisfactorily explaining their whereabouts. Concerns were also raised regarding circulation of confidential documents outside official channels. Learned counsel states that the new Director Finance has assumed charge, banking mandates have changed, and financial administration has been reorganized. He adds that reinstatement from suspension at this stage would jeopardize the inquiry proceedings, as he may influence the proceedings and disrupt University operations. Counsel for respondent Nos. 3 and 4 relied upon the cases of Hafeez ur Rehman v. Province of Sindh through Chief Secretary and 2 others (2024 PLC (C.S.) 524, Rizwana Malik Deputy Directress and 3 others v. The Azad Government of the State of Jammu and Kashmir through Chief Secretary and others (2023 PLC (C.S.) Note 36, Naseemullah Khan v. Government of Khyber Pakhtunkhwa through Chief Secretary and 4 others (2019 PLC (C.S.) Note 41, Imdad Ali Khawaja v. The State and others (2016 SCMR 2057), Muhammad

Arshad Rafique v. Government of Pakistan through Secretary and 4 others (2016 PLC (C.S. 952), Divisional Superintendent, Pakistan Railways, Lahore v. Muhammad Halim and others (1996 PLC (C.S.) 918. While denying mala fides and emphasizing that no final penalty has been imposed, he seeks dismissal of the petition for failure to establish grounds for interference under Article 199 of the Constitution.

7. We have considered the submissions of learned counsel for the parties and examined the available record.

8. It appears that vide notification dated 20.09.2024, the Chief Minister, Sindh, exercising powers under Section 30(1) of the Sindh Agriculture University, Tando Jam Act, 1977, as amended in 2018, appointed the petitioner as Director Finance for three years. The petitioner was appointed on contract basis, with his conduct and discipline governed by the applicable University Rules and Statutes, however, in the intervening period vide notification dated 25.05.2026, the petitioner was suspended with the approval of the Chief Minister, Sindh, over alleged administrative misconduct, procedural irregularities and violation of financial rules.

9. As per record, vide show-cause notice dated 01.06.2026, the petitioner was directed to submit a written reply within seven days regarding alleged administrative misconduct, procedural irregularities, obstruction of official functioning, and violations of financial rules

10. Primarily, under Section 16 of the Act, 1977, which declares the Syndicate the University's executive body, responsible for its general supervision and affairs. Its powers include managing the University's property and funds, considering budget estimates, maintaining accounts, entering into contracts, establishing facilities and posts, appointing teachers and employees on the Selection Board's recommendation, and suspending, punishing, or removing officers, except the Vice-Chancellor, teachers, and other employees, in the prescribed manner. It may also appoint members to Authorities, propose Statutes, approve Regulations, prepare annual reports, deal with matters not otherwise provided for under the Act, and delegate its powers to an Authority, officer, committee or sub-committee. Section 26 specifies the officers of the University as the Vice-Chancellor, Pro-Vice-Chancellor, Deans, Chairmen of Teaching Departments, Registrar, Director of Finance, Controller of Examinations, Resident Auditor, Librarian, and such other persons as may be prescribed by Regulations. Section 30 provides the functions of the Director of Finance, who is a full-time officer appointed by the Chancellor and is responsible for managing the University’s property, finances and investments, preparing and submitting annual and revised budget estimates to the relevant bodies, ensuring that funds are utilized for their sanctioned purposes, and performing other prescribed duties. Sections 34 and 36 provide that the Chancellor

may direct University employees to serve in government departments, local authorities, corporations, bodies or other universities on terms not less favorable than those applicable to them in the University, and may appoint persons serving in such institutions to University posts. A permanent employee cannot be reduced in rank, removed or compulsorily retired without a reasonable opportunity to show cause, except in cases of conviction for an offence involving moral turpitude or where providing such an opportunity is not reasonably practicable. An employee aggrieved by a punishment or an adverse variation in service conditions may appeal to the Syndicate against an order of the Vice-Chancellor or other competent authority, while an order passed by the Syndicate may be challenged through review before it. The appeal or review shall be routed through the Vice-Chancellor, and no adverse order shall be passed without affording the aggrieved employee an opportunity of being heard. On 11-05-2018, the Sindh Universities and Institutes Laws (Amendment) Act, 2018 came into effect, and empowered the Chief Minister under Section 30(1) of the amended Act to be the appointing authority of the Director of Finance, who initiated the disciplinary proceedings against the petitioner, being the appointing and competent authority under the law.

11. However, the petitioner challenges the suspension notification dated 25.05.2026 and the show-cause notice dated 01.06.2026, primarily because the same are without lawful authority, contrary to the findings of the Inquiry Committee, and violative of the principles of natural justice and Article 10-A of the Constitution. However, before examining the merits of these contentions, as discussed supra, the question of maintainability of the instant petition requires our determination.

12. Under the service jurisprudence, the Constitutional Petition against the disciplinary proceedings are not maintainable under Article 199 in terms of law laid down by the Superior Courts as these proceedings are part and parcel of the terms and conditions of service of a civil / public servant and public sector universities. However, the petitioner has called in question such disciplinary proceedings under the garb of jurisdictional point of view of the competency of the Chief Minister Sindh under the statute of the respondent-university.

13. There is no cavil to the proposition that under the Sindh Agriculture University Act, 1977, the Syndicate is empowered under Section 16(m) to take disciplinary action against university employees / officers, while Section 35 requires a reasonable opportunity to show cause before removal or other specified major penalties. However, the impugned suspension notification dated 25.05.2026 and show-cause notice dated 01.06.2026 cannot be declared unlawful at this stage, merely on the ground that they were issued with the approval of the Chief Minister, Sindh. Section 16 of the Sindh Agriculture University Act, 1977, vests the Syndicate with executive powers over the University's affairs, including

disciplinary matters; however, the exercise of such powers must be construed harmoniously with the subsequent legislative amendments governing the appointment of the Director Finance of the respondent-university which empowers the Chief Minister Sindh to make such appointments. It has been asserted by the respondents, the amendment introduced through the Sindh Universities and Institutes Laws (Amendment) Act, 2018, read with Section 30(1) of the Act, designates the Chief Minister, Sindh, as the appointing authority of the Director of Finance, such designation provides a substantial basis for consideration as the corresponding disciplinary powers, including the authority to initiate proceedings and order suspension, and also vest in that authority under the applicable statutory framework. The nature of the office further reinforces the need for effective accountability, as Section 30(2) entrusts the Director of Finance with the management of University finances, preparation of budget estimates and ensuring that funds are utilized for their sanctioned purposes. Accordingly, where credible allegations of financial or administrative misconduct arise, the competent authority cannot be precluded from initiating lawful proceedings merely because the officer holds the office in the respondent-university and only Syndicate can initiate the disciplinary proceedings; whereas the competent authority / appointing authority has also powers to take care of such situation by operation of law.

14. Under the service jurisprudence, suspension pending inquiry is a preventive measure intended to facilitate an impartial investigation and safeguard the University's administrative and financial interests, whereas a show-cause notice allows the officer to explain the allegations before any adverse final determination. Neither measure, by itself, establishes guilt or amounts to a final punishment. The petitioner's reliance upon the Inquiry Committee's findings does not render subsequent proceedings without jurisdiction as portrayed, particularly where further clarification or consideration of other material is lawfully warranted. Prima facie, the impugned measures were issued by the authority competent under the amended Act, were founded upon relevant material, and complied with the prescribed procedure; the mere issuance of the suspension notification and show-cause notice would not, in itself, establish a violation of Article 10-A of the Constitution as suggested. The petitioner's objections regarding the sufficiency of the allegations, the effect of the inquiry report and the ultimate merits of the proposed disciplinary action would remain subject to determination by the competent authority in accordance with law. The Chief Minister Sindh, being the appointing authority as well as competent authority under the amended Act 2018, may initiate / suggest disciplinary action, including suspension and issuance of a show-cause notice, where such powers are lawfully vested in or delegated to that authority, by virtue of amended law.

15. The record reflects that the petitioner was appointed as Director Finance, Sindh Agriculture University, Tando Jam, for a fixed term of three years pursuant to the notification dated 20.09.2024, with his service conditions governed by the applicable University rules and statutes. The impugned suspension and show-cause notice arise out of alleged misconduct and financial and administrative irregularities in the discharge of his official duties. The petitioner's challenge, therefore, essentially concerns an ongoing disciplinary process arising from his contractual employment with the University. The mere fact that the appointment was made by the Chief Minister, Sindh, or that the impugned actions were approved by that authority does not, by itself, confer jurisdiction upon this Court to adjudicate every dispute relating to the petitioner's service.

16. It is settled that the constitutional jurisdiction under Article 199 of the Constitution is discretionary and is not ordinarily exercised to interrupt disciplinary proceedings at the show-cause stage, particularly where the competent authority has allowed the employee to submit an explanation and no final order imposing a penalty has yet been passed. The suspension, being an interim measure pending further proceedings, does not by itself amount to a final determination of guilt or termination of his appointment. A show-cause notice ordinarily does not give rise to an enforceable cause of action unless it is demonstrably without jurisdiction, issued in bad faith, or otherwise suffers from a patent legal infirmity warranting immediate constitutional interference. The petitioner's disagreement with the inquiry findings, or his assertion that the allegations have been satisfactorily explained, involves matters which should ordinarily be considered by the competent disciplinary authority in accordance with the applicable law and rules.

17. Furthermore, the petitioner's contention that the Inquiry Committee recommended only a warning, whereas the show-cause notice proposes a major penalty, does not, by itself, render the notice unlawful. Furthermore, the issuance of a show-cause notice ordinarily allows explaining the allegations before a final decision is taken. The competent authority is required to consider the inquiry report and the petitioner's reply independently and objectively, and to pass a reasoned order in accordance with law. However, it is made clear that any departure from the inquiry findings must be supported by lawful reasons, and the petitioner must be afforded the procedural safeguards applicable to his service. At this stage, this Court cannot presume that a major penalty will necessarily be imposed or that the competent authority will disregard the petitioner's explanation.

18. The petitioner's reliance upon Sections 16(2)(m) and 30 of the Sindh Agriculture University Act, 1977, does not, by itself, establish that the Chief Minister acted without jurisdiction. The Syndicate only exercises the statutory powers assigned to it under the Act. The petitioner failed to establish lack of jurisdiction merely by asserting that disciplinary powers vest in the Syndicate,

without demonstrating that the impugned actions were legally reserved exclusively to that body and that no lawful authority existed for the action taken. Nevertheless, any final disciplinary penalty must be imposed by the authority competent under the governing law.

19. The judgments relied upon by the learned counsel for the petitioner cannot be applied in the facts and circumstances of the case, without examining their factual and statutory context; they do not, merely by being cited, establish that the petitioner is entitled to the relief claimed against suspension and show cause notice.

20. In the circumstances, no exceptional ground has been demonstrated to justify interference with the ongoing disciplinary proceedings at this stage under Article 199 of the Constitution. The petition is, therefore, dismissed as not maintainable under Article 199 of the Constitution, with the observation that the competent authority is under legal obligation to consider the petitioner's reply, the inquiry report and all relevant material objectively, afford him any further opportunity required under the applicable law and rules, and pass a speaking order strictly in accordance with law, without being influenced by any observation made herein. The petitioner shall, however, remain at liberty to challenge any final adverse order through the remedy available to him under the applicable law. There shall be no order as to costs.

JUDGE

JUDGE

Karar_Hussain/PS*