

IN THE HIGH COURT OF SINDH, KARACHI

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

1.	C. P. No. D-4465/2026	Munir Hussain Vs. Auditor General of Pakistan & Others
2.	C. P. No. D-4466/2026	Muhammad Arshad Chundrigar Vs. Auditor General of Pakistan & Others
3.	C. P. No. D-4467/2026	Kashif Vs. Auditor General of Pakistan & Others
4.	C. P. No. D-4468/2026	Muhammad Imtiaz Khan Vs. Auditor General of Pakistan & Others
5.	C. P. No. D-4469/2026	Irfan Sial Vs. Auditor General of Pakistan & Others
6.	C. P. No. D-4470/2026	Imran Khan Vs. Auditor General of Pakistan & Others
7.	C. P. No. D-4471/2026	Syed Jaffer Hussain Shah Zaidi Vs. Auditor General of Pakistan & Others
8.	C. P. No. D-4472/2026	Sultan Mahmood Vs. Auditor General of Pakistan & Others

For hearing of main case.

Petitioners: Through Mr. Imtiaz Ali Solangi, Advocate.

Respondents: Through Ms. Wajiha Mehdi, Deputy Attorney General.
Mr. Karimdad Audit Officer DG Audit IR&C South.
Mr. Saqib Audit Officer DG Audit (P&NR).

Date of hearing: 10.08.2026

Date of Order: 10.08.2026

ORDER

Adnan-ul-Karim Memon, J. The Petitioners have filed these Constitutional Petitions under Article 199 of the Constitution of Islamic Republic of Pakistan seeking the following reliefs: -

- a) To decide the representation/appeal dated 26-02-2026 in the light of the judgment/order passed by the Hon'ble Supreme Court of Pakistan dated 11-02-2025 in civil petition No

2222/2022 and order dated 21-04-2025. Reliance is placed 1996 SCMR 1185.

b) Pass any other order which may deems fit.

2. The petitioners, civil servants serving in the office of the Auditor General of Pakistan, have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, seeking a direction to the respondents to decide their representation dated 26.02.2026 regarding determination/restoration of their seniority.

3. It is averred that they were appointed as Assistant Audit Officers through FPSC on merit in 2001 and subsequently promoted as Audit Officers on 28.07.2017. Their grievance was that, despite judgments of the Federal Service Tribunal and the Hon'ble Supreme Court recognizing seniority on the basis of the FPSC merit list and consequential promotions, and despite constitution of a high-level committee and issuance of a provisional seniority list, their representations remained undecided. Learned counsel for the petitioner submits that he will be satisfied if such representation against the provisional seniority list is decided in accordance with law in terms of the ratio of the judgment of the Supreme Court in the case of Hameed Akhtar Niazi reported as 1996 SCMR 1185.

4. The learned AAG representing the respondents contested the maintainability of the petitions, contending that the matter related to terms and conditions of service, including seniority, over which the Service Tribunal has exclusive jurisdiction under Article 212 of the Constitution and the Service Tribunals Act, 1973, by relying upon the case of *Ali Azhar Khan Baloch v. Province of Sindh* (2015 SCMR 456). It was further submitted that the petitioners had already filed representations against the provisional seniority list before the competent authority, which is pending for final nod of the competent authority and shall be decided in accordance with law within reasonable time and the aggrieved party may avail the remedy before the learned FST. The request seems to be reasonable and acceded to.

5. In view of the legal position, learned counsel for the petitioners agreed that the respondents may be directed to decide the provisional seniority list and the petitioners' representations in accordance with law.

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

7. The controversy essentially concerned the petitioners' terms and conditions of service, particularly their seniority, which falls within the exclusive jurisdiction of the Service Tribunal under Article 212 of the Constitution.

8. In view of the availability of an efficacious statutory remedy before the Federal Service Tribunal, the constitutional jurisdiction of this Court under Article 199 could not ordinarily be invoked for adjudication of the seniority dispute, particularly in view of the principle laid down by the Hon'ble Supreme Court in *Ali Azhar Khan Baloch v. Province of Sindh* (2015 SCMR 456).

9. We have noticed that the petitioners had already submitted representations against the provisional seniority list before the competent authority and the same were / are pending for final decision. Therefore, rather than entering into the merits of the seniority claim or issuing a declaration regarding the petitioners' entitlement, the appropriate course is to require the competent authority to decide the pending representations in accordance with law, keeping in view the judgments of the superior Courts, including the ratio of *Hameed Akhtar Niazi*. The petitioners' counsel also agreed to this course and did not press for adjudication of the seniority dispute by this Court.

10. Without touching the merits of the case, the petitions are disposed of with a direction to the competent authority to decide the provisional seniority list and the petitioners' representations, if already filed, within one month and in accordance with law.

J U D G E

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Arshad/