ORDER SHEET

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P. No. D – 1200 of 2024
[Talib Hussain v. Province of Sindh & others]

Present:
Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Muhammad Hasan (Akber)

For Petitioner	:	Mr. Shafi Muhammad Bango, Advocate
For Respondents	:	Syed Israr Ahmed Shah, Assistant Advocate General Sindh along with Abdul Jabbar Dahri, Deputy Director Foods, Sukkur
Date of hearing	:	03.11.2026
Date of decision	:	03.11.2026

O R D E R

Adnan Iqbal Chaudhry J.– The Petitioner, a Food Supervisor in the Food Department of the Government of Sindh, has challenged a show-cause notice dated 06.08.2024 issued to him by the Director Food under the Sindh Civil Servants (Efficiency & Discipline) Rules, 1973, followed by an order of suspension dated 12.08.2024.

Learned counsel for the Petitioner submits that the show-cause notice is *malafide*. However, the submission made in that regard goes to the facts of the underlying show-cause notice, not to any jurisdictional defect in issuing the same. The superior Courts have time and again discouraged the attempt to stifle show-cause proceedings by invoking the writ jurisdiction on grounds that can be considered in those very proceedings. In *Dr. Seema Irfan v. Federation of Pakistan* (PLD 2019 Sindh 516) it was observed by a learned Division Bench of this Court that:

> "18. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice, the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of any one. This Court ought to be careful when it passes an interim order to see that the statutory functionaries specially and specifically

> constituted for the purpose are not denuded of powers and authority to initially decide the matter and ensure that ultimate relief which may or may not be finally granted in the writ petition. Abstinence from interference at the stage of issuance of show cause notice in order to relegate the parties to the proceedings before the concerned authorities is the normal rule."

The other reason for non-interference in the matter is that in the event an adverse order is passed against the Petitioner, the Sindh Civil Servants (Efficiency & Discipline) Rules, 1973 provide him the remedy of an appeal.

Learned counsel for the Petitioner then submits that the Department did not have the power to suspend him pending show-cause proceedings. That too is a misconception, for such power is found in Rule 5(1) of Sindh Civil Servants (Efficiency & Discipline) Rules, 1973.

Therefore, the Petitioner does not urge any ground warranting interference with the subject show-cause proceedings. The petition is dismissed along with pending applications.

JUDGE

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