ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-581 of 2024
(Ghulam Murtaza Lahbar versus The Chief Secretary, Government of Sindh)

Date	Order with signature of Judge

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

Date of hearing and order: 16.9.2026

Mr. Imtiaz Ali Solangi, advocate for the petitioner
Barrister Zohaib Zulfiqar Sarki, Additional AG
Mr. Usman Tufail Sheikh, Advocate for respondent No.5
Mr. Ashraf Ali Mirani, Law Officer, Culture Department, Government of Sindh

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ORDER

Adnan-ul-Karim Memon, J. Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

> *a. To direct the respondent No 2 to appoint the Petitioner for post of Managing Director Sindh Tourism Development Corporation Karachi on the basis of his eligibility and fitness.*
>
> *b. To declare that the respondent No.5 is illegally hold the post of Managing Director in Sindh Tourism Development Corporation Karachi and is liable to be issued show cause notice as to what authority of law to be he is holding such offices at cost of public exchequer and against the principles of good governance.*
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> *c. Direct the official respondents to immediately dispense with the service of respondent No.5 or returned from him charge, which is acquired and enjoyed the present positions by way of ill-gotten gains. In the meanwhile suspend the impugned notification dated 13th June, 2023 and restrain the respondent No.5.*

2. The Petitioner has filed this Constitutional Petition under Article 199 of the Constitution, challenging the appointment of Respondent No.4/5 as Managing Director, Sindh Tourism Development Corporation (STDC), on the ground of discrimination, maladministration and violation of merit. It is contended that the post was advertised on 21.01.2023, pursuant to which the Petitioner, a 45-year-old PhD in Tourism Management, applied and was shortlisted along with five other candidates. After the written test and interview held on 03.04.2023, the Petitioner secured 50 marks and stood second in the merit list, whereas Mr. Feyaz Ali Shah stood at Serial No.4.

3. The learned counsel for the Petitioner submits that despite his higher merit position, notification dated 13.06.2023 was issued appointing Mr. Feyaz Ali Shah as Managing Director, STDC, in MP-III equivalent to BPS-19 for three years. It is further alleged that another notification dated 30.08.2023 granted him salary equivalent to BPS-20, although the post was equivalent to BPS-19. According to the learned counsel for the Petitioner, the appointee was 66 years old and retired, and his appointment was made through political influence, favoritism and

manipulation of the selection process, rather than merit and eligibility. He alleges that the appointment amounts to colourable exercise of authority and is contrary to the constitutional principles of lawful governance and the judgments of the Hon'ble Supreme Court. He claims that no other adequate and efficacious remedy is available and therefore seeks intervention of this Court. The Petitioner accordingly prays for appointment to the post on the basis of his eligibility and merit, declaration that the appointment of Respondent No.4/5 is illegal, withdrawal of the impugned notification and charge.

4. Learned AAG, assisted by learned counsel for private Respondent No.5, submitted that the Sindh Tourism Development Corporation Limited (STDC) is a public limited company incorporated under the Companies Ordinance, 1984, and its relationship with its employees is that of master and servant; therefore, the petition is not maintainable. It was further submitted that Respondent No.5 was fully qualified for the post of Managing Director in terms of the advertisement, possessing a Master's degree in Public Administration and the requisite professional experience. His appointment was made after completion of the prescribed recruitment process, including written test and interviews, and the remuneration was approved by the Board of Directors. Learned AAG further submitted that the Selection Committee shortlisted the candidates, conducted the written test and interviews, and prepared a merit list. The Petitioner secured second position, whereas Respondent No.5 stood at serial No.4. The Committee forwarded the names of the top three candidates to the higher authorities through a Note dated 10.04.2023, recommending appointment from amongst them. Subsequently, the complete list of six candidates was also forwarded through Note dated 10.05.2023. It was contended that the Selection Committee had completed its role and had no responsibility for the subsequent appointment decision. The allegation of political pressure was denied. It was also submitted that the Petitioner's allegations regarding the age and qualification of Respondent No.5 were incorrect and unsupported. They prayed to dismiss the petition.

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

6. In view of the submissions and record, it appears that the petitioner participated in the prescribed selection process and was placed second in the merit list, whereas Respondent No.5 was placed at Serial No.4. However, the Selection Committee had forwarded the names of the shortlisted candidates to the competent authority for appointment, and the final decision was taken by the competent authority/Board in accordance with the applicable procedure. The allegations of political influence, favoritism and manipulation have not been substantiated by any cogent material. Moreover, the petitioner cannot claim

appointment merely based on his position in the merit list, particularly when the competent authority was required to make the appointment in accordance with the governing rules and terms of the advertisement. In the absence of proof of violation of law, mala fide or unlawful exercise of authority, no case for interference under Article 199 of the Constitution is made out.

7. Accordingly, the petition, being without sufficient legal basis, is disposed of for the reason that since the tenure of the incumbent Managing Director is for a specified period, it is observed that any future appointment to the post, upon completion/expiry of the present tenure if earlier completed, shall be made strictly in accordance with law, the applicable rules and the advertised eligibility criteria, through a transparent and merit-based selection process, without extending any undue benefit to any candidate. The competent authority shall ensure that merit and eligibility are duly followed while making any fresh appointment after completion of the present tenure.

JUDGE

JUDGE

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