

ORDER SHEET
HIGH COURT OF SINDH, BENCH AT SUKKUR
Constitution Petition No.D-1899 of 2025

PRESENT:
Mr. Justice Zulfiqar Ali Sangi,
Mr. Justice Arbab Ali Hakro,

1. For Order on C.M.A No.7819/2025
2. For Order on office objection (s)
3. For Order on C.M.A No.7530/2025
4. For Order on C.M.A No.7531/2025
5. For hearing of main case.

Petitioner : Ayaz Hussain Channa,
through Mr. Abdul Wahab Shaikh
Advocate

Respondents : Province of Sindh & others,

Date of hearing
& decision : **17.12.2025.**

ORDER

ARBAB ALI HAKRO, J.- The Petitioner, Ayaz Hussain Channa, Superintendent (BPS-17), Minorities Affairs Department, Government of Sindh, has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking regularisation of his promotion and further consideration for elevation to the post of Assistant Director (BPS-17).

2. The gravamen of the Petitioner's case is that he was initially appointed as Assistant (BPS-14) in 2011 and subsequently promoted to Superintendent (BPS-16) on an acting charge basis vide Notification dated 16.11.2012, with the stipulation that such promotion would be treated as regular upon successful completion of three years' service. Despite the lapse of considerable time and repeated representations, his case for regularisation and further promotion has not been placed before the Departmental Promotion Committee (DPC).

3. Learned counsel for the Petitioner argued that the Respondents' inaction amounts to maladministration, discrimination and violation of Articles

4, 9, 18 and 25 of the Constitution, thereby entitling the Petitioner to relief under Article 199.

4. It is settled law that Article 212 of the Constitution ousts the jurisdiction of this Court in respect of matters pertaining to the terms and conditions of service of civil servants, including promotion, seniority and regularisation. The Supreme Court has consistently held that where a specific forum is provided, constitutional jurisdiction under Article 199 cannot be invoked to bypass the statutory remedy.

5. The relief sought by the Petitioner squarely relates to service matters, namely, consideration for further promotion. These issues fall within the exclusive domain of the Sindh Service Tribunal under Article 212. Accordingly, this petition is barred by the constitutional scheme.

6. However, this Court cannot remain oblivious to the fact that the Petitioner has submitted representations which, by his assertion, remain undecided. Section 24-A of the General Clauses Act, 1897, casts a duty upon public authorities to act fairly, justly, and to decide matters brought before them within a reasonable time. The Respondents' failure to decide the Petitioner's representation constitutes administrative inaction, which this Court, even while declining jurisdiction on service matters, may rectify by issuing directions for expeditious disposal.

7. For the foregoing reasons, the petition is dismissed *in limine* along with the listed applications. Nevertheless, the Respondents, particularly the competent authority in the Minorities Affairs Department, Government of Sindh, are directed to decide the pending representation(s) of the Petitioner, if any, within thirty (30) days from the date of receipt of this Order, strictly in accordance with law.

Judge

Judge

Qazi Tahir PA/*