

IN THE HIGH COURT OF SINDH KARACHI

CP No.D-4879 of 2023

(Danish Aziz vs. Province of Sindh & others)

Date	Order with signature(s) of Judge(s)
------	-------------------------------------

Before:

**Justice Muhammad Saleem Jessar
Justice Nisar Ahmed Bhanbhro**

Priority:

1. For orders on office objections.
2. For hearing of Misc. No.22355/23
3. For hearing of main case.

Date of hearing and order: 20.05.2026

Mr. Arif Awan, Advocate for the Petitioner.

Mr. Ayan Mustafa Memon, Advocate for Respondent No.2 & 3.

Mr. Hakim Ali Shaikh, Addl. AG alongwith Mr. Sagheer Ahmed Abbasi, Assistant AG.

ORDER

Muhammad Saleem Jessar, J. Through instant petition, the petitioner has sought following relief (s):

“(a) Issue a writ of mandamus directing and restrain therein to the respondents, to let the petitioner to perform his duty as Nurse Aid in NICVD, Karachi, and the respondent No.3 not to do anything which may be detrimental to the interest / rights of the petitioner.

(b) To direct the respondents to restore the job of the petitioner on its previous status dated 03-07-2023 with all benefits effected from said date till completion of the constitution petition.

(c) Any other efficacious and equitable relief (s) as this Honorable Court may deem fit and proper under the circumstances of this constitution petition.”

2. Learned counsel for the petitioner contends that the petitioner was condemned unheard, as the inquiry was conducted in his absence. He further submits that the petitioner’s absence from duty was not intentional; rather, he was not allowed to perform his duties or mark his attendance. Learned counsel also contends that the petitioner served the respondent-hospital for more than eight years; however, he was terminated from service through a colorful exercise of powers.

3. Learned Additional Advocate General, Sindh, and counsel for NICVD contend that the petitioner remained absent from duty without any information or prior permission. They submit that show-cause notices were issued to him through courier service as well as through publication in leading newspapers; however, he failed to respond or appear. Therefore, in accordance with the disciplinary rules, he was removed from service. They further contend that petitioner chosen to remain absent from duty voluntarily, therefore, cannot claim reinstatement in service. They pray for dismissal of the petition.

4. Heard arguments and perused the material available on record.

5. A scanning of the record reveals that the petitioner remained absent from duty since October 2022. Show-cause notices were issued to the petitioner through courier service as well as through publications in leading newspapers, namely *Daily Dawn*, *Kawish*, and *Jang*; however, he failed to report for duty. Consequently, an inquiry committee was constituted, yet even then, he did not appear before the inquiry committee to defend his case. The petitioner's deliberate and willful absence from duty constituted sufficient grounds for the imposition of the major penalty of removal from service. In the petition, as well as during the course of arguments, learned counsel for the petitioner failed to demonstrate any reasonable grounds for the petitioner's absence from duty. Therefore, we have no hesitation in holding that the inquiry committee/respondents were left with no option but to impose the major penalty of removal from service upon the petitioner. No illegality or infirmity has been pointed out in the impugned order of removal from his service warranting interference by this Court under the writ jurisdiction. Consequently, the instant petition, along with pending applications, is dismissed.

**JUDGE
HEAD OF CONST. BENCHES**

JUDGE

APPROVED FOR REPORTING