

IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA

Constitutional Petition No.D-1081 of 2013.

Before:

***Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada'.***

Petitioners: Rafeeq Ahmed and others,
through Mr. Inayatullah G. Morio,
Advocate and Mr. Tahir M. Ali
Rind Advocate (For Petitioner
No.2).

Respondents: Province of Sindh and others,
Through Mr. Liaquat Ali Shar,
Additional Advocate General.

Mr. Abdul Rehman A. Bhutto
Advocate, (For Respondent No.3)

Date of hearing: 16-09-2026
Date of Order: 24-09-2026

ORDER

Ali Haider 'Ada', J:-, Through the instant petition, the petitioners have challenged the act of the respondents whereby their appointments/services were declared bogus pursuant to the impugned notification dated 05.07.2013. The petitioners have called in question the legality and validity of the said notification, which was issued on the basis of the proceedings undertaken by a committee constituted to inquire into and scrutinize the genuineness of their appointments/recruitment process.

2. Learned counsel for the petitioners submitted that, during the year 2012, the petitioners were appointed against different posts in the office of the Taluka Municipal Administration (Defunct), Jacobabad. According to learned counsel, the petitioners had duly applied for the posts in

question and, pursuant to their appointments, had continuously performed their duties and enjoyed their services. It was contended that the impugned notification issued by the Secretary, Local Government, was contrary to law, without lawful authority and of no legal effect.

3. It is pertinent to note that the instant petition was initially filed on behalf of 45 employees. However, subsequently, an amended title was filed, and learned counsel limited his submissions to the extent of 17 petitioners only. The amended title was filed on 16.03.2026.

4. Conversely, learned Additional Advocate General as well Learned counsel for the Respondent No.3, while relying upon the comments submitted by the official respondents, contended that, on the face of the record, the offer letters relied upon by the petitioners were found to be fake/invalid. Consequently, the competent authority, namely the Secretary of the Department, constituted a committee to inquire into the matter and scrutinize the entire recruitment process. According to learned Law Officer, such inquiry was a necessary exercise in order to ascertain the genuineness and legality of the appointments. It was further contended that all offer letters issued after 30.06.2012 had already been cancelled vide cancellation letter dated 04.11.2013. The said material fact, according to the respondents, was concealed by the petitioners during the proceedings. Instead of submitting themselves to the process initiated by the competent authority, the petitioners approached this Court with unclean hands and sought to challenge the inquiry proceedings without disclosing the subsequent development concerning cancellation of their offer letters.

5. Heard the learned counsel for the parties and perused the available record.

6. At the very outset, it is necessary to examine the nature and scope of the notification which furnished the cause for the petitioners to invoke the Constitutional jurisdiction of this Court. The question is whether the impugned notification was issued without lawful authority, was ultra vires the law, or otherwise had no legal force. For ready reference, the relevant notification is reproduced hereunder:

GOVERNMENT OF SINDH
LOCAL GOVERNMENT DEPARTMENT
Karachi, dated the 5th July, 2013

NOTIFICATION

SOA/LG/4(37)/2011: A committee comprising the following headed by Additional Secretary (LG) Local Government Department is hereby constituted probe into the appointments made by the Local Government Department in Local Councils during ban period (after June, 2012):

1. Deputy Commissioner, Concerned.
2. Director, Local Fund Audit, Siadh. Karachi.
3. Assistant Director, Local Government, Concerned.

TERMS OF REFERENCE (TOR):

1. The enquiry committee shall chalk out detail schedule and conduct the enquiry to ascertain the veracity of the appointments made in Local Councils during the ban period.
2. The Committee will scrutinize the recruitments made by the Local Government Department in Local Councils after June, 2012 without observance of codal formalities i.e. advertisement and other requirements as laid down in the recruitment policy as desired by the Hon'ble Chief Minister, Sindh as well as issuance of fake orders.
3. The Committee shall collect the information regarding appointments /recruitments as mentioned in para-2.
4. The Committee will furnish a detailed report containing the facts and specific recommendations to the Secretary, Local Government Department within period of fifteen days.
5. The Committee may co-opt any member for assistance in timely finalization of the enquiry.

- ALI AHMAD LUND -

SOA/LG/4(37)/2011: SECRETARY TO GOVT. OF SINDH
Karachi, dated the 5th July, 2013

7. A plain reading of the Terms of Reference of the committee demonstrates that there is nothing on record to establish that the constitution of the committee or the issuance of the notification was ultra vires or without lawful authority. The committee was constituted primarily for the purpose of determining and scrutinizing whether the recruitment process and the appointments made pursuant thereto were genuine and in accordance with law. Such an exercise falls squarely within the domain of the duly constituted inquiry committee.

8. The petitioners, therefore, could have been called upon by the committee to appear before it and produce the relevant record in support of their appointments. The mere constitution of an inquiry committee for the purpose of examining the genuineness and legality of the recruitment process cannot, in itself, be termed an illegal or arbitrary exercise of authority.

9. Nonetheless, the record further reveals a subsequent and material development which cannot be ignored. The brief facts/history furnished by the Additional Deputy Commissioner-I, Jacobabad/Administrator, disclosed that an inquiry report was submitted on 04.11.2013, whereby the offer letters in question were cancelled. Once such cancellation had taken place, the original purpose and scope of the inquiry committee stood materially affected, and a fresh cause of action, if any, arose from the subsequent action of cancellation. It is significant that the aforesaid material fact was not candidly disclosed by the petitioners during the proceedings. Rather, the petitioners continued to agitate the matter without placing before this Court the complete and

correct factual position regarding the cancellation of their offer letters.

10. The facts of the present case are also distinguishable from a case where a valid appointment is sought to be terminated without following due process. Here, the very genuineness and legality of the appointments were under examination, and the competent authority had taken action upon the basis of the departmental record. The petitioners were, therefore, required to establish the lawful foundation of their appointments before seeking extraordinary constitutional relief. . In this regard, reliance may be placed upon ***Superintendent of Police, Headquarters, Lahore v. Ijaz Aslam* (2024 SCMR 1831)** and ***Secretary Schools Education, Government of Punjab v. Asghari Begum* (2023 PLC (CS) 214)**.

11. There is yet another aspect which goes to the very root of the matter. The instant petition was instituted in the year 2013; however, despite having knowledge of the cancellation of the offer letters, the petitioners did not promptly challenge the said cancellation. Instead, the material fact regarding such cancellation remained undisclosed until it was brought on record by the respondents. The petitioners thus failed to place before this Court the complete factual position at the relevant stage of the proceedings. It is a settled principle that a person invoking the equitable and discretionary jurisdiction of the High Court under Article 199 of the Constitution is required to approach the Court with clean hands and to disclose all material facts having a bearing upon the controversy. Concealment of a material fact, particularly one directly connected with the cause of action, may disentitle a petitioner from obtaining discretionary constitutional relief.

In ***Arshad Ali v. Federation of Pakistan through Secretary Pakistan Railways, Department,***

Islamabad (2026 MLD 387 (DB-Sindh)), the principle regarding disclosure of material facts and the requirement of approaching the Court with clean hands has been reiterated. Likewise, in ***Muhammad Hassan Mustafa (Late) v. Oil and Gas Development Company Limited (OGDCL), through Managing Director/Chief Executive Officer (2025 PLC (CS) 1528—Islamabad DB)***, the consequences of concealment and contradictory pleadings in proceedings invoking equitable jurisdiction have been considered.

12. In view of the foregoing discussion, the petitioners have failed to demonstrate that the impugned action was without lawful authority, ultra vires, or otherwise liable to interference in Constitutional jurisdiction. They have also failed to establish any enforceable legal right arising from the appointments in question. Furthermore, the material concealment and subsequent conduct of the petitioners disentitle them from seeking discretionary relief from this Court.

13. For the foregoing reasons, the instant Constitutional petition is misconceived and devoid of merit. The same is accordingly dismissed.

JUDGE

JUDGE