

ORDER SHEET  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
C. P. No. D - 787 of 2023

Present:  
**Justice Zafar Ahmed Rajput**  
**Justice Abdul Mobeen Lakho**

Petitioner : Abdul Sattar S/o Allah Rakhyo Soomro,  
through Mr. Achar Khan Gabol, Advocate.

Respondents : Province of Sindh, through Chief Secretary  
Sindh Secretariat, at Karachi & others, (*Nemo*).

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Date of Hearing : 09.05.2023  
Date of Order : 09.05.2023  
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**ORDER**

**ZAFAR AHMED RAJPUT, J. -** Petitioner Abdul Sattar Soomro, a Supervising Tapedar, posted in Taluka Khangarh, District Ghotki, through instant petition, has impugned show-cause notice dated 12<sup>th</sup> April, 2023 issued by the respondent No.1 (*Chief Secretary, Sindh and Authorized Officer, Government of Sindh, Services, General Administration & Coordination Department*) in exercises of the powers conferred by Rule 4-A read with Sub-Rule (3) and (6) of Rule-5 of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, on the ground that the same is politically motivated and the result of a dispute between two political rival figures, and since the petitioner is serving in BPS-11, the respondent No.1 is not the competent authority to issue show-cause notice to the petitioner, who is competent to issue such show-cause notice only to the officers working in BPS-18.

2. Heard and record perused.

3. It reflects from the record that the respondent No.6 (*Deputy Commissioner, Ghotki @ Mirpur Mathelo*) received a letter dated 28.03.2023 from the Anti-Corruption Establishment, Ghotki, requesting him for views/comments on the complaint of Rabnawaz and other residents of Taluka Khangarh, wherein it was alleged that the petitioner and other Revenue officers illegally issued sale

certificates for more than 4000 acres land in Deh Sutyaro, Taluka Khangarh, District Ghotki. On that letter, respondent No.6 conducted a summary enquiry, wherein Mukhtiarkar, Khangarh reported that they had issued sale certificates of Deh Sutyaro without confirmation of possession and at the time of issuance of sale certificates, his office had not obtained verification from Mukhtiarkar (Estate), District Ghotki. Thereafter, Assistant Commissioner, Khangarh, vide his letter dated 09.03.2023, directed to Sub-Registrar, Ghotki to stop the execution of sale deeds on the basis of said sale certificates. The respondent No.6, vide order dated 05.04.2023, addressed to the Chief Secretary, Government of Sindh, Karachi and Senior Member, Board of Revenue Sindh, Hyderabad, requested for initiating disciplinary proceedings against the concerned Revenue officers including the petitioner for issuance of alleged sale certificates without observing codal formalities and by violating SOPs issued by the Board of Revenue, Sindh. On such complaint, the respondent No.6 issued impugned show-cause notice to the petitioner, which appears to be under the relevant rules of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973. For that, the petitioner was asked to submit his explanation. Learned counsel for the petitioner failed to make out any provision under that the respondent No.6 cannot conduct enquiry against the petitioner, who is serving in lower grade.

4. Admittedly, the petitioner is a civil servant and under the Sindh Service Tribunals Act, 1973 and the rules made thereunder the petitioner has adequate and efficacious remedy before the Service Tribunal against the final decision under alleged show-cause notice if passed against him on the alleged charge. This petition, however, is not maintainable in view of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973; hence, the same is **dismissed in limine** along with pending applications.

Above are the reasons of our short order dated 09.05.2023.

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