

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-1063 of 2025

(*Mudasar Jeelani v Province of Sindh & others*)

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Date

Order with signature of Judge

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Before:

Mr. Justice Muhammad Karim Khan Agha

Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and Order: 27.03.2025**

Mr. Ahmed Hussain advocate for the petitioner

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ORDER

**Adnan-ul-Karim Memon, J** The petitioner, a police Sub-Inspector, was appointed ASI in 1995 and promoted in 2012. He was transferred to Karachi in 2017 but couldn't join due to medical issues. He was then transferred back to Hyderabad and served in District Thatta, where he performed well and received a commendation. Despite this, he was dismissed from service in December 2017 for alleged absenteeism from March to December 2017, a period during which he was actively serving in Thatta. He claims he received no prior notice or opportunity to defend himself.

2. Learned counsel for the petitioner argues this dismissal is unlawful and unjust. He also states he has not received his salary since March 2017, causing severe hardship for his family. He has exhausted all other avenues and seeks the court's intervention for reinstatement and payment of his back salary and benefits.

3. We have heard the learned counsel for the petitioner on the maintainability of the petition.

4. Initially, this court addressed the maintainability of the petition under Article 199 of the Constitution. The petitioner, being a Civil Servant as defined by Section 2(a) of the Service Tribunal Act 1973, is subject to Civil Servant Rules. Section 3(2) of the Act grants the Service Tribunal exclusive jurisdiction over matters related to Civil Servant service terms, including disciplinary actions, effectively barring other courts from jurisdiction, as reinforced by Article 212 of the Constitution. Citing the Supreme Court's ruling in *Azhar Ali Khan Baluch v. Province of Sindh*, this court emphasized that a Civil Servant cannot invoke Article 199 due to this explicit jurisdictional bar. Besides, the disciplinary matters are considered part of the 'Terms and Conditions of Service.' Therefore, service-related issues concerning Civil Servants cannot be addressed through a Constitutional Petition. The petitioner has the appropriate legal avenue to challenge both the dismissal order and any appellate order by appealing to the Sindh Service Tribunal if not passed earlier.

5. Given the presented facts and circumstances, the Court concludes that the Petitioner has not established sufficient grounds for intervention. Consequently, the petition and any related applications are dismissed. The Petitioner has to pursue his remedy through an appeal before the competent authority. If such an appeal has not yet been decided, it should be addressed. Following that decision, the Petitioner may then seek further recourse before the Service Tribunal.

JUDGE

HEAD OF CONST. BENCHES