

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Constitution Petition No. D-156 of 2026
(*Imtiaz Ali Bhutto vs. Federation of Pakistan and others*)

Before:-

Mr. Justice Amjad Ali Bohio

Mr. Justice Ali Haider 'Ada'

Hearing of case (Priority)

1. For orders on office objection at flag 'A'
2. For hearing of CMA No.527/2026 (S/A)
3. For hearing of main case

25.02.2026.

Mr. Abdul Naeem Pirzada, Advocate for the Petitioner

Syed Naveed Ahmed Shah, Deputy Attorney General for Pakistan.

Mr. Hamyoun Shaikh, Advocate, for National Highway Authority (NHA).

ORDER

Ali Haider 'Ada', J:- The case of the petitioner is that he was initially appointed and subsequently regularized in service by his department, the National Highway Authority. Thereafter, a show-cause notice was issued to him and, upon conclusion of the departmental proceedings, an **Order dated 28.01.2015** was passed dismissing him from service. The petitioner contends that he preferred appeals before the competent fora; however, having failed to obtain any effective relief, he has prayed for setting aside the Office Order dated 28.01.2015 whereby he was dismissed from service.

2. Learned counsel for the petitioner submits that despite filing various appeals and representations, no fruitful result has been achieved. It is argued that the impugned dismissal order is illegal, arbitrary, and contrary to law, and therefore liable to be withdrawn or set aside, with a direction to the department to reinstate the petitioner in service.

3. The counsel for the National Highway Authority (NHA), has filed a vakalatnama on behalf of the Authority, which is taken on record.

4. Conversely, learned Deputy Advocate General (DAG) submits that although the petitioner was regularized in the year 2012, departmental proceedings were initiated against him in 2015. Upon completion of all codal

formalities, a major penalty of dismissal from service was imposed vide Office Order dated 28.01.2015. It is further contended that the record reflects that the petitioner purportedly preferred departmental appeals in the years 2020, 2022, 2024, and 2025, after a considerable lapse of time. However, instead of filing a single appeal before the competent forum, the petitioner submitted representations to various high dignitaries, who do not constitute the proper appellate forum under the law. Moreover, there is no cogent proof on record to establish that any appeal was duly filed before the competent authority in accordance with the prescribed procedure. It is argued that if the appeals were not decided, the petitioner had an adequate and efficacious remedy under the relevant law to approach the appropriate forum, rather than invoking the Constitutional jurisdiction of this Court at this stage.

5. Heard. Record perused.

6. At the very outset, it is observed that the controversy relating to the petitioner's dismissal from service involves disputed questions of fact and findings recorded in departmental proceedings. Such matters cannot ordinarily be examined in the Constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan. The proper and exclusive remedy against dismissal or removal from service lies under Article 212 of the Constitution, which provides a special forum for adjudication of service matters. The issues raised by the petitioner pertain to factual determination, which fall squarely within the domain of the Service Tribunal constituted under Article 212. The Constitutional scheme clearly envisages that disputes relating to service structure, including dismissal, removals, or other major penalties, are to be examined by the Service Tribunal, which is vested with exclusive jurisdiction in such matters. Guidance in this regard is drawn from the judgment of the Hon'ble Supreme Court in *Irfan Ali Pitafi and others v. Secretary (Colleges), Education Department, Sindh and others* (2026 SCMR 92), and case of *Chief Secretary, Government of Punjab, Lahore and others v. Ms. Shamim Usman* (2021 SCMR 1390).

7. In the present case, the petitioner was an employee of the National Highway Authority (NHA) and was dismissed from service under the **NHA Employees (Efficiency & Discipline) Rules, 1995**. The said Rules provide a complete and self-contained mechanism for redressal of grievances arising out of

disciplinary proceedings. Rule 13 specifically provides that any penalty, including dismissal from service, may be challenged through an appeal before the competent authority within a stipulated period of **thirty (30) days**. The term “Authority” has been defined under Rule 2(b) of the Rules, wherein the competent authority is categorized with reference to the scale and status of the employee concerned, thereby clearly determining which authority is empowered to initiate action or decide appeals. Moreover, the NHA (Administration Wing), vide Notification No. 2(7) Admn/Dir (Pers) NHA/01 dated 21st March, 2002, issued the **Standing Operating Procedures for Disciplinary Proceedings**, wherein paragraph 3.1 further elaborates and defines the competent authority empowered to take disciplinary action against employees. Additionally, the NHA Administrative Regulations, 2002 were framed by the Executive Board of the National Highway Authority in exercise of powers conferred under the National Highway Authority Act, 1991. Section 32 of the said Act authorizes the Authority to make regulations, not inconsistent with the Rules, regarding matters including conduct, discipline, and appeals. The legal framework governing disciplinary proceedings within NHA, including the statutory backing of the Regulations and the appellate mechanism provided therein, has been discussed by the Division Bench of the Islamabad High Court in case of *National Highway Authority through Chairman v. Saqlain Mehdi and another* (2022 PLC (C.S.) 175).

8. In view of the foregoing discussion and for the reasons recorded above, this Constitutional Petition is not maintainable and is accordingly dismissed. All pending/ listed applications shall also stand dismissed.

JUDGE

JUDGE