

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No.D-149 of 2026

Date	Order with signature of Judge
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Before:

*Mr. Justice Muhammad Saleem Jessar;
Mr. Justice Abdul Hamid Bhurgri.*

Petitioner : Lal Bux son of Mola Bux Dayo,
through Mr. Atta Hussain Qadri, Advocate.

Respondents : P.O Sindh and others.

Date of Hearing : ***25.03.2026.***
Date of Order : ***25.03.2026.***

ORDER

Abdul Hamid Bhurgri, J.- Through this constitutional petition, the petitioner has called in question the order dated 16.01.2026 passed by the Sindh Service Tribunal, Karachi, in Appeal No.L-04 of 2025, whereby the appeal filed by the petitioner has been dismissed on the ground of limitation.

2. At the very outset, it may be observed that the subject matter of the present petition pertains to service matters of a civil servant, which squarely fall within the exclusive jurisdiction of the Service Tribunal constituted under the relevant law. For ready reference, Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, is reproduced as under:

212. Administrative Courts and Tribunals.-(1)

Notwithstanding anything hereinbefore contained, the appropriate Legislature may by Act provide for the establishment of] one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of -

- (a) matters relating to the terms and conditions of persons ²[who are or have been] in the service of Pakistan, including disciplinary matters;
- (b) matters relating to claims arising from tortious acts of Government, or any person in the service of Pakistan, or of any local or other authority empowered by law to levy any tax or cess and any servant of such authority acting in the discharge of his duties as such servant; or
- (c), matters relating to the acquisition, administration and disposal of any property which is deemed to be enemy property under any law.

(2) Notwithstanding anything hereinbefore contained, where any Administrative Court or Tribunal is established under clause (1), no other court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal

extends ²[and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal ³], other than an appeal pending before the Supreme Court,) shall abate on such establishment]:

Provided that the provisions of this clause shall not apply to an Administrative Court or Tribunal established under an Act of a Provincial Assembly unless, at the request of that Assembly made in the form of a resolution, ²[Majlis-e-Shoora (Parliament)] by law² extends the provisions to such a Court or Tribunal.

(3) An appeal to the Supreme Court from a judgment, decree, order or sentence of an Administrative Court or Tribunal shall lie only if the Supreme Court, being satisfied that the case involves a substantial question of law of public importance, grants leave to appeal.

Emphasis is added

3. A bare reading of the above constitutional provision makes it abundantly clear that once a matter falls within the domain of a Service Tribunal, the jurisdiction of this Court under Article 199 of the Constitution stands excluded. Furthermore, sub-Article (3) of Article 212 explicitly provides the remedy of appeal against the order of the Tribunal before the Honourable Supreme Court, subject to grant of leave.

4. In the present case, the petitioner has directly challenged the order of the Sindh Service Tribunal before this Court, which is not permissible under the constitutional scheme. The proper and only remedy available to the petitioner is to approach the Honourable Supreme Court of Pakistan in terms of Article 212(3) of the Constitution.

5. In view of the above, this petition is not maintainable and is accordingly dismissed in *limine*, along with pending applications.

JUDGE

JUDGE