

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

C.P. No. D – 2696 of 2024
[Asif Hussain Kanasiro & another v. Chief Secretary Sindh & others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi.

Date of hearing and order:-01-04-2026

Raja Ghulam Yousuf, Advocate for the Petitioner.
Mr. Ali Safdar Depar, AAG Sindh.

ORDER

Adnan-ul-Karim Memon, J Petitioners, *Asif Hussain Kanasiro* and *Riaz Hussain Kanasiro*, have filed this Constitutional Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 seeking following relief(s):

- “ii. *To hold and declare that the impugned order is illegal, unlawful, unconstitutional, malafide, quorum non judice and non-est; consequently, to set-aside the same with a further direction to the Respondents to reinstate the services of the Petitioner with all back benefits and perks.*
- iii. *Pending adjudication of the captioned petition, the Respondents be restrained from filling up the post held by the Petitioner.*
- (iv) *To grant cost of the petition and any other reliefs) which this Honorable Court may deem fit and proper in the facts and circumstances of the case.”*

2. The case of the Petitioners is that they were appointed as Chief Municipal Officer and Town Officer in the Sindh Council Unified Grade Service after fulfilling all legal and codal formalities, pursuant to an advertisement dated 24.02.2012, and were issued offer letters and appointment orders in 2012 and 2013. They joined their duties, served at different postings, and received salaries. However, vide order dated 10.10.2016, the Secretary, Sindh Local Government Board, relieved them from service without issuing any show cause notice or providing an opportunity of hearing, which in effect amounted to termination of their services. The Petitioners challenged the said order before this Court, but the petitions were dismissed on 27.09.2017 on the ground of factual controversy regarding their appointments. Thereafter, similarly affected employees approached the Supreme Court, which vide order dated 06.12.2017 converted their petitions into appeals and remitted to the Departmental Authority of the respondent department. However, the Departmental Authority subsequently dismissed their appeals on 22.11.2021. The Petitioners submit that in identical matters, this Court allowed Constitutional Petitions No. D-7401 of 2021 and connected petitions on 14.12.2022 and reinstated the employees, therefore the Petitioners claim the same

relief on the principle of equal treatment. They submit that the impugned order is illegal, malafide, without jurisdiction, passed in violation of natural justice and Section 24-A of the General Clauses Act, and liable to be set aside with direction for reinstatement with back benefits. They prayed to allow this petition.

3. Learned counsel for the petitioners submits that the impugned orders are unreasoned, arbitrary, and in violation of due process, natural justice, Articles 4, 9, 10-A, 18 and 25 of the Constitution, and Section 24-A of the General Clauses Act, as the same are non-speaking and without lawful justification. He contends that respondent No.1 passed the impugned orders in haste and with mala fide intent, ignoring the verified departmental record, the Inquiry Committee report, and the letters confirming the petitioners' valid selection. He submits that the petitioners had completed probation and served for several years and could not be removed on the basis of an unauthenticated list in another case. Therefore, the subsequent impugned orders are liable to be set aside and the petitioners be reinstated with back and consequential benefits.

4. On the other hand, the learned AAG submit that the Petitioners were never validly appointed in SCUG Service (Administration Branch) as their names did not appear in the list of successful candidates issued by the competent authority. It is contended that the Petitioners managed forged and fake documents to obtain illegal appointments and therefore their services were rightly terminated through the order dated 10.10.2016. The AAG further submit that earlier constitutional petitions filed by the Petitioners were already dismissed by this Court on 24.08.2017 and the appeals filed pursuant to the Supreme Court's order were also dismissed by the Chief Secretary on 22.11.2021 after providing an opportunity of hearing. It is also contended that the present Petition is barred by the principle of res judicata as the Petitioners did not challenge the earlier decision before the Supreme Court, and their names were not included in the list of successful candidates or in the list of employees entitled to relief in the judgment dated 14.12.2022. Therefore, the AAG pray that the present petition is liable to be dismissed.

5. In view of the submissions of learned counsel for the parties and after perusal of the record, the controversy involved in the present petition is no longer res integra.

6. In C.P. No. 5041 of 2023 and connected petitions, decided on 30.10.2025, this Court has already settled the issue relating to similarly placed employees of Sindh Council Unified Grade Service, wherein it was held that the cases of such employees are required to be examined by the competent authority on the basis of available record, including the report of the Scrutiny Committee, after affording them an opportunity of hearing, and through a reasoned and speaking order.

7. In the present case as well, the petitioners claim parity with those employees whose matters have been considered in the aforesaid judgment, while the respondents dispute the genuineness of their appointments. Such controversy involves factual determination, which cannot conclusively be adjudicated in constitutional jurisdiction without proper examination of record by the competent authority.

8. Accordingly, without touching the merits of the case, this petition is disposed of by remanding the matter to the Chief Secretary, Sindh, to look into the case of the petitioners afresh. The Chief Secretary shall examine the petitioners' claims strictly in accordance with law, particularly in light of the Scrutiny Committee report, relevant departmental record, and principles enunciated in the above judgment, including earlier decisions of this Court and Supreme Court, after providing an opportunity of personal hearing to the petitioners. The competent authority shall pass a reasoned and speaking order within a period of ninety (90) days. In case the petitioners are found to have managed the appointment letters in the beginning, appropriate disciplinary/penal action shall be taken against all delinquent officials involved in the scam in accordance with law. All pending application(s) are disposed of in the above terms.

JUDGE

JUDGE

SHAFI