

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-5332 of 2025

[Ghulam Murtaza Khuhro V. Province of Sindh and others]

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 17.03.2026

Mr. Muhammad Arshad Tanoli, Advocate for the Petitioner.

Mr. Abdul Jaleel Zubedi, A.A.G.

Mr. Irfan Ali, S.O Health Department.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner prayed as follows:-

- A. *To call for the record and proceedings of appointment of Respondent No. 04, as Acting Chief Operating Officer (BPS-19), vide Order dated 18.03.2025 (At page No. 85 with MOP) and Declare the same is unlawful and in violation of Regulation-6 of the National Institute of Cardiovascular Diseases Employees Revised (Service) Regulations 2016-17.*
- B. *To Declare the Order dated 18.08.2025, where under contractual period of Respondent No.04. is renewed by the Executive Director of Respondent No. 2, (being incompetent) is in contravention to Regulation-8 of the National Institute of Cardiovascular Diseases Employees Revised (Service) Regulations 2016-17.*
- C. *To Declare the Petitioner is eligible and fit officer of BPS-19, of the Administration department of the Institute under the regulations to hold the post of Acting Chief Operating Officer (BPS-19) till the appointment of regular incumbent through the transparent selection process under the rules.*
- D. *To restrain the Respondent No.4, for performing his duties as Management Consultant in pursuance to Impugned Orders dated 08.2025 and Acting Chief Operating Officer under order 18.03.2025 and further restrain the Respondent No.2, from releasing his salaries after expiry of his contractual period during pendency of this Petition.*
- E. *To restrain the Respondents No. 1, 2 & 3 for taking any adverse coercive action against the Petitioner as an vindictive and revengeful act for filing the above Petition, during pendency of this Petition.*
- F. *To grant any other relief(s) which is deemed fit and proper under the circumstances of the case.*
- G. *Cost of the petition to be borne by the Respondents.*

2. The case of the petitioner is that he holds an MBA degree in 2001 and a B.Com, with over 28 years of experience in administration, HR, operations, accounts, marketing, hospital administration, and organizational development, and was appointed as Chief Strategy Officer (BPS-19) in the Respondent Institute on 14.07.2017. In this role, he has been supervising multiple departments, including administration, strategic planning, corporate services, hospital projects, and social welfare, with diligence and competence. It is submitted that he has extensive prior experience in senior positions across various institutions, including Karachi National Hospital Pvt Ltd., National Insurance Company Ltd., Overseas Pakistanis Foundation, and several insurance companies, in roles ranging from Deputy Chief Manager to Vice President, demonstrating expertise in hospital administration, business development, HR, and strategic planning. It is urged that the Respondent Institute, a provincial statutory body under the National Institute of Cardiovascular Diseases (Sindh Administration) Act, 2014, is required to fill senior posts through a transparent and merit-based process in accordance with its Employees (Service) Regulations 2016-17. The post of Chief Operating Officer (BPS-19), a regular sanctioned post, has been vacant since 2023. Despite public advertisement in July 2024 and the petitioner's shortlisting for an interview, the appointment process has remained pending for over a year without explanation. Instead, Respondent No.4, initially appointed as a Management Consultant on a one-year contract (01.08.2023), had his contract unlawfully extended by the Executive Director of Respondent No.2 without approval of the Governing Body. Further, he was given additional charge of the Chief Operating Officer post in March 2025, bypassing the petitioner, the senior-most eligible officer, contrary to Regulations 6, 7, and 8 of the Service Regulations and established legal principles under the Sindh Civil Servants Act, 1973.

3. Learned counsel for the petitioner submits that the petitioner is the only eligible officer to hold the post of Chief Operating Officer (BPS-19) and that Respondent No.4's continued tenure as Management Consultant and Acting COO is unlawful. The petitioner has exhausted all representations, which have been ignored, leaving him with no alternative remedy but to approach this Court.

4. After detailed arguments, the parties have agreed that the petition is infructuous against Respondent No. 4, who has resigned as CEO. However, with respect to the petitioner, who claims to be the senior-most eligible officer, his case must be submitted to the Board of NICVD for a decision in accordance with the law.

5. The request appears reasonable and has been acceded to because the petitioner is entitled to have his candidature considered for the post of Chief

Operating Officer (BPS-19) based on seniority, eligibility, and merit, and that any decision regarding the appointment must comply with the Service Regulations and applicable legal principles.

6. The petition stands disposed of in the above terms, along with all pending applications.

JUDGE

JUDGE

Ayaz Gul