

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P No.D-76 of 2026

[Ali Raza Khan v. Province of Sindh and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
-------------	---

1. For orders on M.A No.312/2026 (U/A)
2. For orders on office objection (s)
3. For orders on M.A No.313/2026 (Exemption)
4. For hearing of main case

22.01.2026

Mr.Agha Ghulam Abbas, Advocate for the Petitioner

Through this constitutional petition, the petitioner has called into question the suspension order dated 14.01.2026 issued by the Secretary of the Food Department, Government of Sindh, by which the petitioner, serving as Food Supervisor (BS-09) and posted as In-charge, PRC Bolhari, District Jamshoro, was placed under suspension pending disciplinary proceedings. The petitioner seeks the setting aside of the said order on the premise that it violates Articles 9 and 10-A of the Constitution and was issued without affording him any opportunity of defence.

2. The factual background, as asserted by the petitioner, is that he has been performing his duties diligently since his posting order dated 16.10.2025. On 14.01.2026, he was abruptly suspended, and on the same date, a show-cause notice was issued alleging the misappropriation of 64,483.5 wheat bags and gross negligence resulting in a financial loss to the public exchequer. The petitioner maintains that the show-cause notice was never formally served upon him and that both the suspension order and the show-cause notice appear to have been issued simultaneously, thereby demonstrating pre-judgment and mala fides. It is further asserted that suspension before an inquiry constitutes a punitive measure and violates the principles of natural justice.

3. Learned counsel for the petitioner argued that the impugned suspension order is arbitrary, capricious and issued in derogation of Articles 9

and 10-A of the Constitution. According to him, suspension without prior notice or an opportunity to be heard is per se punitive and unconstitutional. He further submitted that the competent authority dispensed with the regular inquiry under Rule 5(3)(b) of the Sindh Civil Servants (Efficiency & Discipline) Rules, 1973, without lawful justification. Learned counsel attempted to persuade this Court that the writ petition is maintainable because the suspension order is void ab initio. Therefore, the bar contained in Article 212 of the Constitution does not apply. In support of his contentions, he relied upon case law reported as **SBLR 2006 SC 140, 2001 SCMR 1320 and SBLR 2020 Sindh 685.**

4. We have heard learned counsel for the petitioner at considerable length and have meticulously examined the record.

5. Within the architecture of service law, suspension has consistently been treated as a permissible and temporary administrative intervention. It neither constitutes punishment nor finally determines civil rights. It is merely a step in aid of disciplinary proceedings. The Supreme Court has consistently held that suspension orders, being interlocutory in nature, do not furnish a cause of action for invoking constitutional jurisdiction. The bar contained in Article 212 of the Constitution is explicit and categorical. It restrains High Courts from entertaining matters relating to the terms and conditions of service of civil servants where a statutory forum exists. The bar is jurisdictional, not discretionary.

6. Even if the suspension order and show-cause notice were issued on the same day, this does not render the suspension illegal. The law does not require prior notice before suspension. The competent authority may suspend an officer where allegations of serious misconduct surface, particularly involving financial loss or misappropriation of government property. Rule 5(3)(b) of the E&D Rules, 1973 empowers the competent authority to dispense with a regular inquiry where it is satisfied that such inquiry is unnecessary. Whether such satisfaction is well-founded is a matter to be examined by the

departmental authority or, ultimately, the Service Tribunal, not by this Court under Article 199.

7. Suspension does not violate Article 9 (security of person) nor Article 10-A (fair trial). The right to a fair trial arises when adjudication takes place. Suspension is not adjudication; it is merely a temporary measure pending inquiry. We are therefore constrained to hold that the suspension order is an interim step, that the petitioner has an adequate statutory remedy, and that Article 212 bars this Court from exercising jurisdiction. The petition is therefore not maintainable.

8. For the foregoing reasons, this petition is **dismissed** in *limine* along with the pending application as being barred under Article 212 of the Constitution. The petitioner may avail the statutory remedy before the competent forum, if so advised. There shall be no order as to costs.

JUDGE

JUDGE

AHSAN K. ABRO