

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

*Constitutional Petition No.D-502 of 2026*  
**[Mumtaz Ali Bullo vs. Federation of Pakistan and others]**

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Date	Order with the signature of the Judges
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**Before:-**  
**Mr. Justice Amjad Ali Bohio,**  
**Mr. Justice Ali Haider 'Ada'.**

*Fresh case*

1. For orders on CMA No.2061/2026 (U/A).
2. For orders on office objections
3. For orders on CMA No.2062/2026 (Ex/A).
4. For the hearing of the main case.
5. For orders on CMA No.2063/2026 (S/A).

**31.03.2026**

Mr. Khan Muhammad Sangi, Advocate for the petitioner.

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**Ali Haider 'Ada' J.-** Urgency is granted. Through this petition, the petitioner seeks quashment of the impugned inquiry report as well as a declaration that the show-cause notice dated 25.02.2026 is illegal. The petitioner is serving as Assistant National Savings Officer in the Central Directorate of National Savings. On 08.12.2025, the competent authority passed an order for initiation of inquiry against the petitioner and nominated an inquiry Officer. Subsequently, a charge sheet on account of alleged misconduct, along with a detailed statement of allegations, was served upon the petitioner. The petitioner submitted his reply thereto. Thereafter, a full-fledged inquiry was conducted and the inquiry Officer recommended imposition of a minor penalty, i.e., withholding of one increment for a period of two years without cumulative effect. Pursuant thereto, the impugned show-cause notice dated 25.02.2026

was issued, to which the petitioner has also submitted a reply, as available on the Court record.

2. Learned counsel for the petitioner mainly contends that the recommendations of the Inquiry Officer are contrary to the facts and circumstances of the case; that the inquiry proceedings were conducted in a partial manner without ensuring fairness and transparency. He prays for quashment of both the inquiry report and the show-cause notice. He placed reliance upon the case of *Abdul Majeed vs Manager PIA Lahore and others* 2011 SCMR 1436.

3. Heard learned counsel and perused the record as well as the relevant law with due care.

4. There are specific provisions contained in the Civil Servants (Efficiency and Discipline) Rules, 2020 regulating the conduct of inquiries and prescribing the procedure to be followed. In the present case, the inquiry has already been completed and the Inquiry Officer has recommended imposition of a penalty. Thereafter, the competent authority initiated the next procedural step by issuing a show-cause notice, which has now been challenged through the instant petition.

5. It is a settled principle of law that fair opportunity must be afforded to a delinquent employee. The record, however, reflects that the entire process has been conducted in accordance with due process and procedure. Even after submission of the inquiry report, the petitioner has been provided an opportunity through the show-cause notice to submit his defence. The main contention of the petitioner is that since the inquiry report is merely recommendatory and not final, the issuance of the show-cause notice on its basis is unlawful. This argument is misconceived, as the issuance of a show-cause notice is only a procedural step in the continuation of departmental proceedings.

6. It is also well settled that this Court, while exercising Constitutional jurisdiction under Article 199 of the Constitution, does not ordinarily act as an appellate forum to examine departmental inquiries, particularly when the proceedings are still in progress. Where an adequate alternate remedy is available, such as an appeal under the Civil Servants (Appeal) Rules, 1997 after a final order, interference at an intermediate stage is not warranted. In this regard, reliance is placed upon *Ishfaque Ali v. District and Sessions Judge, Qambar Shahdadkot and others* (2026 PLC (CS) 29), wherein a Division Bench of this Court declined to interfere in similar circumstances, holding the petition to be premature, misconceived, legally deficient, and factually unsustainable.

7. Similarly, in *Mirza Anwar Mehmood Beg v. Civil Aviation Authority through Director General and another* (2024 PLC (CS) 934), it was held by Division Bench of this Court that a show-cause notice does not amount to punishment, and ordinarily no interference is called for by the High Court under Article 199 at such a stage.

8. Mere assertion that the allegations are vague does not vitiate the departmental proceedings. The record shows that the petitioner was duly served with the charge sheet, submitted his reply, participated in the inquiry proceedings, and was afforded opportunity to cross-examine witnesses. It is also noted that the petitioner declined to produce any fresh statement in his defence. The Inquiry Officer has dealt with the matter charge-wise and considered the petitioner's responses. In such circumstances, it cannot be said that the petitioner was unheard or denied due process. In *Hafeez-ur-Rehman v. Province of Sindh and others*, 2024 PLC (CS) 524, a Division Bench of this Court held that matters relating to pending disciplinary proceedings fall within the domain of terms and conditions of service, and where no final decision has yet been taken, a constitutional petition is not maintainable.

9. However, it is pertinent to observe that upon perusal of the show-cause notice dated 25.02.2026, it appears that while the Inquiry Officer recommended a minor penalty, i.e., withholding of one increment for two years without cumulative effect, the competent authority has issued a show-cause notice proposing a major penalty of dismissal from service. Such course requires adherence to due legal procedure. In *Muhammad Arshad v. Deputy District Food Multan and others (2025 SCMR 2071)*, it was held that where the competent authority intends to differ from the findings or recommendations of the Inquiry Officer, proper reasons must be recorded and due process must be followed before imposing a harsher penalty. Accordingly, respondent No.2/competent authority is directed to strictly follow the prescribed legal procedure, and ensuring compliance with all procedural safeguards before proceeding further.

10. In view of the foregoing, the instant petition is dismissed as being not maintainable.

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