

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-6177 of 2026
(Syed Askar Ali Shah versus Province of Sindh & others)

Date	Order with signature of Judge
------	-------------------------------

Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 24.9.2026

Malik Altaf Hussain advocate for the petitioner alongwith Mr. Moin Sandilo advocate and Mr. Muhammad Arsalan Hussain advocate

ORDER

Adnan-ul-Karim Memon, J. Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- (a) *To declare that the failure of the Respondent No.3 to provide the Petitioner with inquiry report, statement of allegation and charges levelled against the Petitioner, is illegal, unlawful, unconstitutional, mala fide and non-est; consequently, the Respondent No.3 be directed to provide the Petitioner with the statement of allegations charges and inquiry / verification report enabling the Petitioner to defend his cause.*
- (b) *To issue a writ in the nature of mandamus, directing the Respondent No.2 to appoint some independent officer to conclude the proceedings strictly in accordance with the mandate of Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973 read with Rule 55 of the Workers Welfare Board Sindh Employees (Services) Rules, 2021.*
- (c) *To direct Respondent No.4 to place on record the complete record of the inquiry proceedings allegedly conducted by him against the Petitioner, including the inquiry report, statements, verification reports, documents, evidence, proceedings, findings, and all other material relied upon in connection therewith.*
- (d) *Pending adjudication of the instant petition, the Respondents be restrained from taking any coercive / adverse action against the Petitioner pursuant to Final Show Cause Notice dated 16.09.2026 served upon the Petitioner on 21.09.2026.*

2. The case of the petitioner is that he, serving as Deputy Director (BPS-18), Sindh Workers Welfare Board, was suspended vide order dated 28.08.2026 and thereafter served with a Show Cause Notice dated 01.09.2026 proposing major penalty under Rule 51(2) of the Workers Welfare Board Sindh Employees (Services) Rules, 2021. He submitted his reply dated 03.09.2026 seeking the verification/comprehensive inquiry reports, statement of allegations, charges and other material relied upon against him, but the same were not supplied. He states that he had earlier informed the respondents regarding the theft and non-availability of official allotment records of Labour Square, Sukkur, and had expressed willingness to cooperate with any lawful inquiry. He also sought replacement of the Inquiry Officer on the ground of reasonable apprehension of bias, which request was not considered. The petitioner further challenges the Final Show Cause Notice/hearing fixed for 24.09.2026, contending that he was not

afforded reasonable opportunity of defence and that the proceedings violate Article 10-A of the Constitution and Rule 55 of the Rules, 2021. He asserts that withholding the inquiry/verification reports and other relied-upon material, coupled with the failure to appoint an independent and impartial inquiry officer, has deprived him of a fair opportunity of defence and rendered the proceedings unlawful. He is, however, willing to participate in any inquiry conducted by an independent and competent officer in accordance with law.

3. Learned counsel submits that the petitioner was suspended vide order dated 28.08.2026 and thereafter served with a show cause notice dated 01.09.2026 under Rule 51(2) of the Workers Welfare Board Sindh Employees (Services) Rules, 2021, proposing major penalty of removal or dismissal. The petitioner replied on 03.09.2026, seeking the verification and comprehensive reports relied upon by the respondents, and also requested replacement of respondent No.3 as authorized/inquiry officer on grounds of alleged bias and pending proceedings against her. Counsel contends that the impugned show cause proceedings, including the final show cause notice, were initiated in violation of Article 10-A of the Constitution, as the petitioner was denied a fair opportunity and due process. In support of his contentions, learned counsel has relied upon the cases of Muhammad Yar Buttar v. Board of Governors (1999 PLC (C.S.) 409) and Riffat Hassan v. Federation of Pakistan (2011 PLC (C.S.) 562).

4. After arguing the matter at some length, the learned counsel submits that this Court has already passed an order dated 11.9.2026 in Constitutional Petition No. D-4302 of 2026, whereby the petition was disposed of as premature with the direction to the competent authority to proceed strictly in accordance with the applicable service rules, consider the petitioner's replies and all relevant record, and, if disciplinary action is proposed, provide him the opportunity of hearing and defence mandated by law by conducting regular inquiry as required in law and in terms of the decisions of the Honourable Supreme Court.

5. In view of the ratio of the order dated 11.09.2026 passed by this Court in Constitutional Petition No. D-4302 of 2026, wherein the concerned petitioner was relegated to the competent authority with directions to proceed strictly in accordance with the applicable service rules and law, and to afford the petitioner an opportunity of hearing and defence in accordance with law, the present petition is also disposed of in the said lines, without touching the merits of the case. An excerpt of the order dated 11.09.2026 is reproduced as under:-

“.....9. Consequently, no case for appointment of the Nazir of this Court or issuance of a direction for a fresh physical verification at this stage is made out, as such an exercise would effectively require this Court to undertake factual investigation in exercise of constitutional jurisdiction. The departmental authorities are competent to undertake such verification, inspection, measurement or technical assessment, if considered necessary, in accordance with law.

10. The Petition, therefore, is disposed of as premature, with a direction to the competent authority to proceed strictly in accordance with the applicable service rules, consider the Petitioner's replies and all relevant record, and, if disciplinary action is proposed, provide him the opportunity of hearing and defence mandated by law by conducting inquiry as required in law and decisions of the Supreme Court."

6. In view of the foregoing, the competent authority shall proceed strictly in accordance with the Workers Welfare Board Sindh Employees (Services) Rules, 2021 and other applicable law, and shall consider the petitioner's replies, and the relevant record by holding proper inquiry as mandated by the law and the decision of the Supreme Court on the subject issue, in accordance with law. The pending applications also stand disposed of.

JUDGE

JUDGE

Zahid/*