

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

Before:
Mr. Justice Abdul Mobeen Lakho
Mr. Justice Zulfiqar Ali Sangi.

C.P No. D-1100 of 2026

[Shahnawaz Shah & others v. Province of Sindh & others]

Date of Hearing: 15.09.2026
Date of Order: 15.09.2026

Petitioners: Through Mr. Mian Taj Muhammad Keerio,
Advocate.

Respondents No.1to3: Through Mr. Rafique Ahmed Dahri, Assistant
A.G, Sindh.

Respondent No.4: Through Mr. Khalid Saeed Soomro, Advocate.

ORDER

ABDUL MOBEEN LAKHO, J:- Through the instant Constitutional Petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the Petitioners have prayed for issuance of directions to the Respondents to release their outstanding salaries after declaring them to be genuine low paid employees of District Council Dadu vide order dated 10.09.2025 passed by respondent No.1 Secretary Local Government, Government of Sindh Karachi in compliance of the order dated 17.02.2025 passed by this Court in C.P.No.D-186 of 2025.

2. Brief facts of the case are that the Petitioners claim to have been appointed as low paid employees on different posts in Local Department, Government of Sindh, Karachi vide Order dated 10.09.2025 passed by

Respondent No.1. It is asserted that the Petitioners joined service and performed their duties diligently, but their monthly salary was abruptly stopped, and subsequently, their services were discontinued without any lawful justification or show-cause notice.

3. Pursuant to notice, the learned State Counsel as well as the counsel for respondent No.4 appeared and filed parawise comments/objections explicitly denying the genuineness of the Petitioners' appointment stating therein that petitioners have committed contempt of Court by claiming themselves to be the employees of District Council, Dadu, particularly when this Court had already dismissed their Constitution Petitions bearing C.P. Nos. D-257/2013, 841/2013, 1133/2013, 1696/2013, 383/2014, 503/2014, 2989/2017 and 3169/2017 vide Judgment dated 18.01.2022 arising out of the same cause of action; that the Hon'ble Supreme Court of Pakistan maintained the above Judgment of this Court Order dated 30.06.2022 therefore, the grievance of the petitioners has attained finality; that in compliance with the directions of this Court in the Judgment dated 18.01.2022, the record was called for to ascertain as to who were the delinquent and at fault and who misused their powers while issuing fake appointment orders; that the said Judgment dated 18.01.2022 was not in favor of the petitioners and it was not for consideration of appointments of the petitioners; that the Ex-Chairman, District Council, Dadu was not competent to constitute a Committee of District Council members to review the dispute which was already pending before this Court.

4. We have heard the learned counsel for the parties and perused the record available on file with their assistance.

5. A meticulous perusal of the record demonstrates that the Petitioners have failed to adduce any cogent, credible, or documentary evidence to establish that a fair, transparent, and competitive recruitment process was ever conducted. The record is singularly devoid of material indicating that:

- **(i)** The vacancies were duly advertised in national daily newspapers in strict compliance with the statutory rules;
- **(ii)** A lawfully constituted Departmental Selection Committee (DSC) was convened; or
- **(iii)** The Petitioners participated in any competitive written examination or interview.

It is the specific stance of the Respondents that during an internal scrutiny and departmental inquiry into illegal appointments, the alleged appointment letters of the Petitioners were found to be fraudulent, bogus, and issued without lawful authority, competitive process, or the approval of the Competent Authority. It is pertinent to note that this Court had already dismissed earlier Constitution Petitions involving the same cause of action, inter alia, **C.P. Nos. D-257/2013, 841/2013, 1133/2013, 1696/2013, 383/2014, 503/2014, 2989/2017, and 3169/2017**, vide Judgment dated **18.01.2022**. The said findings were unequivocally affirmed by the **Hon'ble Supreme Court of Pakistan** vide Order dated **30.06.2022**. Consequently, the grievance of the Petitioners has attained absolute finality. The Judgment dated **18.01.2022** did not warrant any reconsideration of the Petitioners' appointments, and the Ex-Chairman, District Council, Dadu possessed no legal competence to constitute any committee in this regard. Once an issue has been conclusively adjudicated up to the apex Court, no executive or administrative committee can be validly constituted to re-agitate or reconsider the same matter. The very act was suppressed / concealed clandestinely and was brought to the knowledge of this Court by the Respondent No.4 in his comments. The relevant Para No.2 to 4 of the said comments is reproduced hereunder:-

"2. That the contents of Para No: 2 of the petition are denied being false and baseless.

It is stated that the petitioners have committed contempt of this Hon'ble Court by claiming themselves to be employees of the District Council, Dadu, particularly when this Hon'ble Court had dismissed their Constitution Petitions bearing C.P. Nos. D-257/2013, 841/2013, 1133/2013, 1696/2013, 383/2014, 503/2014, 2989/2017, and 3169/2017 vide Judgment dated 18.01.2022 arising out of the same cause of action i.e. release of their salaries. Hence, it is crystal clear that they are no more employees of the District Council, Dadu.

It is important to mention here that the Hon'ble Supreme Court Pakistan maintained the Judgment of this Hon'ble Court dated 18.01.2022, in petitions filed by the present petitioners bearing C.P.Nos. 451-K, 452-K, 453-K, 454-K, and 455-K of 2022, vide Order dated 30.06.2022, whereby the Judgment of this Hon'ble Court dated 18.01.2022 was challenged. Therefore, the grievance of the petitioners has attained finality and they are no more in the picture. Hence, they cannot claim that they are employees of the District Council, Dadu.

- (i) *Copies of Judgment dated: 18.1.2022 passed by this Hon'ble Court is annexed at "A"*
- (ii) *Copy of order dated: 30.6.2022 passed by Hon'ble Supreme Court of Pakistan is annexed as "B"*

3. That the contents of Para No. 3 of the petition are vehemently denied. Since the petitioners are no more employees of the District Council, Dadu, there is no question of their performing duties honestly and punctually.

4. That the contents of Para No. 4 of the petition are vehemently denied and have already been elaborately submitted supra. The contents of

Para No. 4 are misconceived, as the Judgment passed by this Hon'ble Court is reproduced hereunder:-

"After hearing the contentions raised by the learned Counsel for the respective parties as well as examining record meticulously, it is a matter of fact that the advertisements has not been filed. Whereas some document(s) placed in C.P.No: D-1696 of 2013 by claiming the same as advertisement, but it is not a newspaper cutting, but it is only a simple copy that can be prepared/managed by using the computer device, hence it is apparently fake document. Further unambiguously the authority/respondents firstly not competent to recruit 284 persons/appointments, secondly in SUG Cadre. Nonetheless, learned counsel for respondents/District Council has also referred an inquiry which was conducted by the Deputy Commissioner, Dadu and such report is available at page-665 of the Court file. It appears that while inquiring into the matter, the Deputy Commissioner has made reference to the judgment dated 19.01.1993, passed by Hon'ble Apex Court in Human Right Case No.104 of 1992, which states that "While enquiring into various complaints of violation of Fundamental/Human Rights, it has been found that the Federal Government, Provincial Governments, Statutory Bodies and Public Authorities have been making initial recruitments, both Adhoc and Regular to posts and offices without publicity and properly advertising the vacancies and at times converting adhoc appointments in to regular appointments. This practice is prima facie violation of fundamental rights as the Articles 18 of constitution guarantees to every citizen freedom of profession. Subject to notice to the all concerned and subject to final orders after full hearing in the matter, it is order as an interim measure that the violation of this Fundamental/Human Right shall be discontinued forthwith. Steps shall immediately be taken to rectify so as to bring the practice in accord with the constitutional requirements.

Moreover, Perusal of the report of the Deputy Commissioner particularly last two paragraphs reproduced above (see para 3 of this order) unequivocally supports all facts as put forwarded by the learned counsel for the respondents/District Council Dadu as well as learned A.A.G. Further, the Administration was not competent to fill in the posts of SUG Cadre as reflects from comments of the respondents that the than Administrator had sought permission for appointment 25 vacant posts vide letter No: DC/DU/-38 Dated 7th March 2011 from the Secretary Government of Sindh, Local Government Department and the same was approved accordingly to the extent of 25 posts subject to completion of all required codal formalities letter No: SO-III(LG)6-14/2012 dated 20th March 2012. But the than Administrator had misused his powers and made the fake appointments of 284 persons beyond permission, authority and competency. Consequently, such act appears a colorful exercise done by the concerned authority.

Under these circumstances, the petitioners have failed to establish their case, consequently, all the captioned petitions being misconceived and not maintainable under law are dismissed along with pending applications accordingly.

As regard the recommendation made in the Deputy Commissioner's report that "a Committee consisting of Senior Officers from Finance Department, Chief Minister's Inspection & Enquiry Team and Local Government Department may be constituted to fix the responsibility upon the officers/officials who are involved in committing such gross irregularities and irregularity" is concerned, learned A.A.G Sindh is directed to ensure that such inquiry be completed within a period of two months and compliance report with regard to actions whatever being suggested and taken against the delinquent officers shall be submitted to this Court.

It is submitted that in the said Judgment it was clearly mentioned that firstly, the said petitions were dismissed and the Committee was ordered to be constituted for fixing responsibility upon the delinquent officers/officials who committed gross negligence and misused their powers by issuing fake appointment orders, which have been declared as such vide Judgment dated 18.01.2022 in the above C.Ps. However, the case of the petitioners was not to be considered for their appointments."

Hence, the question of disbursement of salaries from the public exchequer does not arise.

6. The Respondents have categorically declared the Petitioners' appointments as void *ab initio*, fake, and colorable orders issued by unauthorized persons. It is a settled principle of jurisprudence that a void order or fraudulent transaction cannot create any vested legal right or enforceable equity in favor of a beneficiary. Where the foundational appointment is demonstrably void and fake, no relief regarding payment of salary or regularization of service can be entertained under the extraordinary writ jurisdiction of this Court. In this regard reference can be made to the case of **Bakhtullah Shah and others v. Govt. of Khyber Pakhtunkhwa through Chief Secretary and others** vide unreported Judgment dated **24.03.2026** passed by Federal Constitutional Court of Pakistan in CPLA No.1560 of 2025 and 1971 of 2025. The parawise comments reveal that the Petitioners previously agitated the identical cause of action with identical parties, which stood finally dismissed. Despite repeated warnings against adopting an unprofessional approach, the learned Counsel for the Petitioners has persistently re-filed the instant petition seeking the same relief, in blatant disregard of judicial decorum and settled precedents.

7. In view of the foregoing circumstances, the Petitioners have failed to make out a case for the exercise of constitutional jurisdiction. Consequently, the instant Petition, being devoid of merit and an abuse of the process of the Court, is **dismissed**.

JUDGE

JUDGE

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