

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1940 of 2026

[Imtiaz Ahmed vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through Mr. Ishrat Ali Lohar, Advocate
Respondents	Through Mr. Rafique Ahmed Dahri, Additional A.G along with Secretary, SPSC, Akhlaque Ahmed Kalwar, Deputy Director Litigation, SPSC and Mashooque Ali Gopang, Assistant Director Legal, SPSC
Date of hearing	20.10.2026
Date of Decision	20.10.2026

O R D E R

ADNAN-UL-KARIM MEMON J. - The petitioner seeks declaration that the impugned charge-sheet, show-cause notice, inquiry proceedings and consequential actions are illegal, without lawful authority and of no legal effect; their quashment and setting aside; and restraint against coercive or adverse action, including imposition of any final penalty during the pendency of the petition.

2. Learned counsel for the petitioner submits that the petitioner is a permanent employee of the Sindh Public Service Commission (SPSC), initially appointed as Data Processing Officer (BPS-16) through SPSC examination vide appointment letter dated 31.01.2004. He was promoted as Statistical Officer (BPS-17) in September 2010 and as Additional Controller (BPS-18) in June 2019. He claims an unblemished service record, with consistently A-rated ACRs and no prior departmental punishment. He contends that, having served in BPS-18 since June 2019, he became eligible for consideration for promotion to BPS-19 in accordance with the applicable service rules. However, his case was not processed, compelling him to submit representations dated 20.07.2026 and 07.09.2026 to the competent authorities. Although the first representation was forwarded to the concerned Secretariat with the endorsement "Please Process", no decision was communicated. He alleges that, after the assumption of charge by the new Chairman in June 2026, minor administrative matters were converted into disciplinary allegations. An explanation dated 18.06.2026 concerning an allegedly missing official seal was replied to on 24.06.2026. Subsequently, another explanation dated 02.09.2026 regarding the shifting and management of office articles was replied to on 03.09.2026. Nevertheless, a show-cause notice dated 07.09.2026 and a charge-sheet of the same date were issued, followed by his suspension with effect from

08.09.2026 and initiation of an inquiry. He maintains that no government property was misappropriated, removed or lost. He asserts that possession of Room No.105, together with its keys and inventory was handed over to the Caretaker on 24.08.2026, while the office articles subsequently sought were returned on 02.09.2026 against a written receipt. He denies the allegations of corruption, negligence and misconduct, contending that the charge-sheet does not identify any specific unlawful act or establish dishonest intention, wrongful gain or loss. He further submits that the respondents failed to supply material documents relied upon in the proceedings, including the relevant office order, inventory and allotment record, inspection report, CCTV footage, complaint of the Caretaker and written authority concerning the alleged directions of 02.09.2026. He claims that such non-supply has prejudiced his defence and violated the principles of natural justice. He also asserts his right to cross-examine the listed witnesses and challenge the evidence against him. He alleges that multiple disciplinary proceedings were initiated in closely connected matters, including the revival of the earlier issue concerning the missing seal, without properly considering his replies. He contends that the simultaneous resort to different disciplinary procedures, coupled with his suspension, was arbitrary, disproportionate and contrary to the applicable Government Servants (Efficiency and Discipline) Rules, 1973. He further alleges that the timing of the proceedings, following his promotion representations, raises concerns regarding mala fides and exercise of disciplinary powers for an ulterior purpose. He states that he never refused to hand over the charge of the Secret Section/Examination Branch. Rather, he repeatedly requested the nomination of an authorized officer to receive the confidential records through a formal handing-over/taking-over process. Instead of complying with his request dated 16.09.2026, the respondents issued a press release dated 17.09.2026, allegedly damaging his reputation. He submits that he remains willing to hand over the charge upon formal nomination of a competent officer. He maintains that he does not seek to obstruct any lawful inquiry but insists that disciplinary proceedings must be conducted by the competent authority, in accordance with the applicable rules, on the basis of specific allegations and supporting material, while providing a fair opportunity of defence. He invokes the constitutional jurisdiction of this Court under Article 199 of the Constitution, asserting that the impugned proceedings are arbitrary, procedurally unlawful and violative of due process and natural justice. The petitioner seeks a declaration that the impugned charge-sheet, show-cause notice, inquiry proceedings and consequential actions are illegal, without lawful authority and of no legal effect; their quashment and setting aside; and restraint against coercive or adverse action, including imposition of any final penalty, during the pendency of the petition.

3. Learned AAG, assisted by the officer of SPSC, submits that the petition is not maintainable under Article 199 of the Constitution, as the grievance relates to

disciplinary proceedings falling within the exclusive jurisdiction of the Sindh Service Tribunal under Article 212(1)(a), in view of *Asadullah Rashid v. Haji Muhammad Muneer* (1998 SCMR 2129), *Ali Azhar Khan Baloch v. Province of Sindh* (2015 SCMR 456) and *Khalid Mahmood Wattoo v. Government of Punjab* (1998 SCMR 2280). He contends that the petition is premature, as the charge sheet, suspension and inquiry orders dated 07.09.2026 and 08.09.2026 merely initiated disciplinary proceedings and no final finding or penalty has been imposed. The petitioner has an adequate opportunity to raise all objections before the Inquiry Officer, having also been afforded a personal hearing through notice dated 17.09.2026. He adds that the allegations regarding missing of official seal, government property, custody of official record and CCTV material involve disputed questions of fact requiring evidence and cannot be adjudicated in constitutional jurisdiction. He submitted that the charge sheet does not constitute a finding of guilt, while the earlier show-cause notice dated 08.10.2024 contradicts the claim of an entirely unblemished service record. It is further argued that suspension is merely an interim measure pending inquiry and does not constitute punishment; hence, no exceptional ground for interference by this Court has been made out. He prayed for dismissal of the petition.

4. We have heard learned counsel for the parties and perused the record with their assistance and the case law cited at the bar.

5. The petitioner's principal grievance arises from disciplinary proceedings initiated against him in his capacity of as officer of Sindh Public Service Commission, including the issuance of charge-sheet and show-cause notice, suspension, and conduct of an inquiry. Such matters fall within the ambit of terms and conditions of service and are ordinarily triable by the competent forum, thereby attracting a bar to the exercise of constitutional jurisdiction under Article 199 of the Constitution, the impugned actions being interim in nature cannot be called in question until and unless the final decision is made by the competent authority in terms of latest amendment in Sindh Civil Servants Act, 1973 vide notification dated 31st July 2023 whereby in Rule-2 in sub-rule(2) in the proviso, the semi-colon at the end shall be replaced by a colon and thereafter the following second proviso shall be inserted:-

“Provided further that the ‘Authority’ in the cases of employees of Sindh Public Service Commission, shall be the Chairman, Sindh Public Service Commission.

6. The petitioner's eligibility or non-consideration for promotion to BPS-19, his representations to the competent authorities, and his assertion of an unblemished service record do not, by themselves, establish that the disciplinary proceedings were initiated for mala fide purposes. Also, the timing of the proceedings, following his representations, is insufficient to establish victimization without cogent

evidence of malice or abuse of authority. The allegations concerning the missing official seal, shifting and custody of government property, and handing over of official records involve disputed questions of fact requiring examination of the relevant documents and evidence. The petitioner's assertion that Room No.105 and its inventory were handed over on 24.08.2026, and that the articles were returned on 02.09.2026 against receipt, constitutes a defence to be considered by the Inquiry Officer and does not, at this stage, conclusively negate the allegations. Similarly, the alleged absence of dishonest intention, wrongful gain or loss, and the asserted lack of specificity in the charges are matters to be examined in the inquiry. The alleged non-supply of the office order, inventory, allotment record, inspection report, CCTV footage, Caretaker's complaint and written authority, as well as the petitioner's claim to cross-examine witnesses, may be raised before the competent inquiry forum, which is obliged to afford a fair opportunity of defence in accordance with the applicable rules. Such procedural objections do not, without establishing a patent jurisdictional defect or a demonstrable violation of mandatory law warranting exceptional constitutional intervention, justify quashing the proceedings at their inception.

7. Furthermore, the initiation of disciplinary proceedings through the charge-sheet and show-cause notice dated 07.09.2026, followed by suspension with effect from 08.09.2026, does not constitute a final determination of guilt or imposition of a penalty. Suspension, being an interim measure pending inquiry, is not punitive per se, provided it is ordered by the competent authority in accordance with the applicable rules.

8. The petitioner's objections regarding multiple proceedings arising from connected incidents, the alleged revival of the matter concerning the missing seal, and the asserted failure to consider his replies are matters that may be addressed before the departmental authorities and, where legally permissible, the Service Tribunal. His demand for formal nomination of an authorized officer to receive the confidential records, his denial of refusal to hand over charge, and his grievance concerning the press release dated 17.09.2026 similarly require consideration based on the relevant record and cannot, in isolation, establish the illegality of the entire inquiry, in terms of latest amendment in Sindh Civil Servants Act, 1973 vide notification dated 31.7.2023.

9. The earlier show-cause notice dated 08.10.2024 also renders the assertion of an entirely unblemished service history a matter requiring verification, though it does not itself establish misconduct in the present proceedings. In the absence of a demonstrated lack of jurisdiction, patent illegality, mala fide exercise of power supported by cogent material, or infringement of a mandatory procedural safeguard incapable of adequate redress before the competent forum, no exceptional ground for interference under Article 199 of the Constitution is made out.

10. Without touching the merits of the case, the petition, being premature and relating essentially to disciplinary matters within the purview of terms and conditions of service of petitioner and he has to wait for the final outcome of the disciplinary proceedings as such this petition is liable to be dismissed as not maintainable under Article 199 of the Constitution., leaving the petitioner at liberty to raise all factual and legal objections before the competent authority and to avail the remedy provided by law against any final adverse order, if any.

JUDGE

JUDGE

Karar_Hussain/PS*