THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Constitutional Petition No. D–990 of 2026
[Hussain Ahmed Kaleri v. Province of Sindh & others]

Present:
Mr. Justice Adnan Iqbal Chaudhry,
Mr. Justice Ali Haider 'Ada'.

Petitioner:	:	Hussain Ahmed Kaleri, through Gulshan Ahmed Shujrah, Advocate.
Respondents	:	Province of Sindh and others, through Mr. Agha Athar Hussain Pathan, Assistant Advocate General, Sindh.
Date of hearing	:	24.11.2026
Date of decision	:	24.11.2026

O R D E R

Ali Haider 'Ada' J. – The case of the petitioner is that he was initially appointed as a Vaccinator in the Health Department in 1988 and continued to serve in that capacity until his services were terminated on 02.07.1990. Subsequently, pursuant to further proceedings, he was reinstated in service vide order dated 04.03.2013. Through the instant petition, the petitioner seeks a direction for counting the intervening period from 02.07.1990 to 04.03.2013 towards his qualifying service.

2. Learned counsel for the petitioner mainly contends that, since the petitioner was reinstated in service vide order dated 04.03.2013, the intervening period between his termination and reinstatement is liable to be counted towards his qualifying service.

3. On the other hand, respondent No.1, through the District Health Officer, has submitted comments. However, learned Assistant Advocate General has drawn the attention of this Court to the reinstatement order dated 04.03.2013, wherein it was expressly stipulated that the petitioner was being reinstated in service without

any consequential back benefits. On this basis, he contends that the intervening period cannot be treated as qualifying service, particularly when the reinstatement order itself expressly excludes the grant of consequential back benefits. He, therefore, submits that the petitioner's claim for counting the said period towards his qualifying service is not sustainable. As stated in the comments, the petitioner is still in service, as also reflected in the reply to paragraph No.4.

4. Heard and perused the material available on record.

5. First and foremost, it is evident from the record that the petitioner was reinstated in service vide order dated 04.03.2013. However, the circumstances and reasons which led to his reinstatement have not been reflected in the said order. Nevertheless, the reinstatement order expressly stipulates that the petitioner was being reinstated in service without any consequential back benefits, and that his services were placed at the disposal of the District Health Officer, Khairpur.

6. Now, after the lapse of approximately thirteen years, the petitioner has approached this Court with the grievance that the intervening period commencing from the date of his termination, i.e., 02.07.1990, until his reinstatement on 04.03.2013, be counted towards his qualifying service. Thus, on the face of the record, the petitioner's grievance is essentially directed against the terms and conditions stipulated in the reinstatement order dated 04.03.2013, issued by the Secretary, Health Department, Government of Sindh.

7. In such circumstances, the question of laches requires consideration at the very outset. However, no plausible grounds have been set forth, nor has any reasonable explanation been furnished before this Court to justify or condone such an inordinate delay. The conduct of the petitioner, therefore, reflects a clear instance of acquiescence and neglect, particularly when no

satisfactory explanation has been offered for approaching this Court after such an extraordinary lapse of time. The law does not ordinarily favour the invocation of Constitutional jurisdiction by a litigant who has remained dormant for such a prolonged period without establishing any sufficient cause for the delay. Reliance in this regard is placed upon the judgments reported as ***State Bank of Pakistan through Governor and another v. Imtiaz Ali Khan and others*** **(2012 SCMR 280),** ***Jawad Mir Muhammad and others v. Haroon Mirza and others*** **(PLD 2007 SC 472),** ***Ahmed and 25 others v. Ghama and 5 others*** **(2005 SCMR 119), and** ***Asghar Khan and 5 others v. Province of Sindh through Home Secretary, Government of Sindh and 4 others*** **(2014 PLC (C.S.) 1292).**

8. Apart from the aforesaid aspect, even otherwise, the petitioner, being a civil servant, has an appropriate statutory remedy available under the law to challenge the impugned order before the competent Service Tribunal. Instead of availing such remedy, the petitioner has invoked the Constitutional jurisdiction of this Court. It is a settled principle of law that where an adequate and efficacious statutory remedy is available, the Constitutional jurisdiction of this Court is ordinarily not to be invoked in the absence of exceptional circumstances warranting interference. Reliance in this regard is placed upon the judgments reported as ***Indus Trading and Contracting Company v. Collector of Customs (Preventive), Karachi and others*** **(2016 SCMR 842);** ***President, All Pakistan Women Association, Peshawar Cantt. v. Muhammad Akbar Awan and others*** **(2020 SCMR 260);** ***Commissioner Inland Revenue and others v. Jahangir Khan Tareen and others*** **(2022 SCMR 92); and** ***Executive Director (P&GS), State Life, Principal Office Karachi and others v. Muhammad Nisar, Area Manager, State Life Corporation of Pakistan, Peshawar Zone*** **(2025 SCMR 249).**

9. In view of the foregoing facts and circumstances, the instant constitutional petition, being hit by the principle of laches and, further, in view of the availability of an adequate statutory remedy

before the competent forum, is not maintainable and is accordingly dismissed.

JUDGE

JUDGE