ORDER SHEET

# BEFORE THE SINDH SUBORDINATE JUDICIARY SERVICE TRIBUNAL (HIGH COURT OF SINDH AT KARACHI)

Service Appeal 03 of 2026

| DATE | ORDER WITH SIGNATURE OF CHAIRMAN/MEMBER(S) |
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1. For hearing of main case.

**16.11.2026**

Mr. Sajjad Ali Memon, advocate for the appellant.

The judgment impugned before us is dated 26.01.2026, rendered in departmental appeal filed by the appellant. The operative part whereof is reproduced herein below:

> "2. Brief facts of the case are that the appellant, who was serving as Watchman in the Court of learned 2nd Civil Judge & Judicial Magistrate, Matli, was reported on several occasions to have remained unauthorizedly absent from duty for prolonged periods without prior intimation or approval of the competent authority. Consequently, explanations and show-cause notices were issued to the appellant calling upon him to explain his conduct.
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> 3. In response, the appellant submitted replies contending that his mother was suffering from serious heart and kidney ailments, that his sister was mentally ill, and that there was no other male member in the family to look after them. However, the said explanations were found unsatisfactory by the competent authority. Resultantly, an enquiry under Rule 5 of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973 was ordered vide notification dated 04.07.2023
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> 4. The learned Enquiry Officer conducted the enquiry in accordance with law. The record reflects that the appellant initially appeared, was supplied with the statement of allegations and charge was framed. However, thereafter, the appellant repeatedly absented himself from the enquiry proceedings on numerous dates despite information being conveyed through court staff. Although one opportunity was extended to him in the interest of justice upon his application for condonation of absence, he again failed to appear and did not pursue the enquiry. The Enquiry Officer, after examining the record, past conduct, and repeated negligence of duty on the part of the appellant, concluded that the charge of misconduct on account of deliberate and intentional absence from duty stood proved and recommended imposition of penalty under the relevant rules.
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> 5. The learned District & Sessions Judge, Badin, after considering the enquiry report and the material available on record, concurred with the findings of the Enquiry Officer and, exercising powers under the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, imposed the major penalty of dismissal from service vide the impugned order. Hence, the present appeal.
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> 6. The appellant appeared in person and reiterated the plea that his absence was not willful but was due to compelling family

circumstances, particularly the serious illness of his mother. However, he could not point out any procedural illegality, mala fide, or violation of law in the enquiry proceedings or the impugned order.

7. Comments were filed by the learned District & Sessions Judge, Badin, wherein it was stated that the appeal was time-barred, having not been filed within the statutory period of thirty days as prescribed under Rule 3(1) of the Sindh Civil Servants (Appeal) Rules. It was further stated that the appellant is a habitual absentee, having remained absent for as many as 328 days during the period from December 2021 to May 2023, without lawful justification, and that he failed to substantiate his defence during the enquiry.

8. I have heard the appellant in person and perused the entire record with due care.

9. It is well-settled that unauthorized absence from duty constitutes serious misconduct, particularly when it is persistent and habitual. The Honourable Supreme Court of Pakistan has consistently held that where absence from duty is admitted or established from record, there remains no disputed question of fact requiring a full-fledged enquiry. Reliance may be placed on National Bank of Pakistan and another v. Zahoor Ahmed Mengal (2021 SCMR 144), wherein it was held that once absence is admitted, regular enquiry is not mandatory. Similar view was earlier taken in Federation of Pakistan v. Mamoon Ahmed Malik (2020 SCMR 1154).

10. Furthermore, in Ghous Bukhsh v. Commander (A&Q) Cholistan Rangers (2020 SCMR 1853), the Honourable Supreme Court upheld removal from service even for a brief unauthorized absence, holding that personal hardships, unless duly communicated and sanctioned in accordance with law, do not justify absence from duty.

11. In the present case, the appellant not only remained absent for an extraordinarily long period without approval but also failed to diligently participate in the enquiry proceedings despite repeated opportunities. His past service record also reflects repeated acts of negligence for which he had previously been penalized. The plea of illness of family members, though sympathetic in nature, was neither substantiated through credible material nor pursued through proper channels by seeking sanctioned leave.

12. No procedural irregularity, violation of statutory rules, or mala fide has been pointed out in the conduct of enquiry or passing of the impugned order. The punishment imposed appears to be commensurate with the gravity of misconduct and in consonance with settled principles of law.

13. In view of the above discussion and the authoritative pronouncements of the Honourable Supreme Court, this appeal is found to be without merit. Resultantly, the departmental appeal is dismissed, and the impugned order dated 15.02.2024 passed by the learned District & Sessions Judge, Badin is hereby maintained

14. Office is directed to send copy of the order to the District and Sessions Judge, Badin so also the Appellant."

Learned counsel for the appellant remains unable to demonstrate any infirmity in the impugned judgment, articulates no cavil to the rationale relied thereupon and made no effort to demonstrate that conclusion could

not be reasonably rested there upon. In view of the foregoing, present appeal is dismissed in limine.

Chairman

Member

Khuhro/PS