ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-2096 of 2025
(Yohana versus The District & Sessions Judge Karachi Central & others)

Date	Order with signature of Judge

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 17.9.2026

Mr. Muneer Ahmed Gilal advocate for the petitioner
Mr. Ali Safdar Depar, Assistant AG
Mr. Kailash B. Maheshwari, Office Superintendent, D.C. Office, Karachi Central

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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: -

> *1. Declare the dismissal order of the petitioner by the District Judge as illegal, unconstitutional, and in violation of the petitioner's fundamental rights under the Constitution.*
>
> *2. Direct the respondents to reinstate the petitioner to his original post as a Sweeper (BPS-3), along with back benefits, allowances, and emoluments, as if his services were never terminated.*
>
> *3. Grant any other relief deemed just and proper in the circumstances of the case.*
>
> *6. Interim Relief*
>
> *In view of the above, the petitioner also prays that this Court may be pleased to pass an interim order for reinstating the petitioner to his original post until the disposal of the main petition.*

2. The petitioner was appointed as Sweeper (BPS-03) in the District Court, Karachi Central, vide offer order dated 24.03.2025, after selection through the prescribed process. He joined duty on 27.03.2025. His appointment, however, was subject to verification of his Domicile and PRC. Upon verification, the Deputy Commissioner, Karachi Central, reported that the Domicile Certificate submitted by the petitioner was not genuine, as the certificate bearing No.561 dated 10.01.2022 had originally been issued in the name of another person. The petitioner was accordingly issued a show-cause notice dated 17.04.2025. His reply was considered but found unsatisfactory, and the Selection Committee recommended cancellation of his selection. Consequently, his services were terminated by the District & Sessions Judge on 06.05.2025, while he was still on probation.

3. The learned counsel for the petitioner contends that he was unaware of any defect in his documents, that he acted in good faith, and that after approaching the

Deputy Commissioner's office he obtained a fresh Domicile and PRC dated 29.04.2025. He alleges that his termination was arbitrary, without proper inquiry and in violation of natural justice and Article 10-A of the Constitution. He therefore seeks reinstatement with back benefits.

4. Learned AAG, however, maintain that the petitioner's selection was conditional upon verification of his documents and that no vested right accrued in his favour. He submits that he was allowed to explain his position through the show-cause notice, but his reply was found unsatisfactory. The termination was therefore made after adverse verification and consideration by the Selection Committee. He pointed out that the Deputy Commissioner has confirmed that the original Domicile submitted by the petitioner was forged/fabricated, although a fresh Domicile and PRC were subsequently issued to him on 29.04.2025. The AAG further stated that the Selection Committee recommended rescission of his selection and observed that he was liable to criminal prosecution.

5. We confronted the learned counsel for the petitioner regarding the availability of an adequate alternate remedy, as the petitioner's grievance relates to his removal from service/cancellation of appointment by the learned District and Sessions Judge; however, under the Sindh Civil Servants (Appeal) Rules, 1980, the petitioner has a departmental appeal before the learned Monitoring Judge of this court, and thereafter, if aggrieved, the remedy of appeal before the Sindh Subordinate Judiciary Service Tribunal.

6. In view of the availability of an adequate alternate remedy under the Sindh Civil Servants (Appeal) Rules, 1980, whereby the petitioner may challenge the cancellation of his appointment before the learned Monitoring Judge and, thereafter, before the Sindh Subordinate Judiciary Service Tribunal, the learned counsel for the petitioner has sought disposal of the petition with liberty to avail the said remedy.

7. The request is found reasonable and is accordingly acceded to. Consequently, the petition is disposed of in the above terms, without touching the merits of the case.

JUDGE

JUDGE

Zahid/*