HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D-456 of 2025
[Salman and others v. Federation of Pakistan and others]

CP No. D- 2134 of 2025
[Saeed Ahmed v. Federation of Pakistan and others]

BEFORE:
Justice Adnan-ul-Karim Memon
Justice Muhammad Jaffar Raza

Petitioner(s)	:	Through Mr. Ishrat Ali Lohar, Advocate
		Mr. Ghulam Abbas Sangi, Asst. Attorney General
Date of Hearing & Decision	:	03.11.2026

O R D E R

ADNAN-UL-KARIM MEMON, J. - The petitioners have filed these Constitutional Petitions under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, challenging their termination and seeking a declaration that the impugned termination letters is null and void in view of the common order dated 27.11.2025 passed in C.P. No.D-424 of 2025 and connected petitions, whereby similar appointments were declared valid and merit-based. An excerpt of the order is reproduced as under:-

> " 8. Record reflects that all the Petitioners except the Petitioners in C.P. No. D-525 of 2025, were appointed through recruitment process duly initiated pursuant to valid NOCs issued by the Establishment Division. The vacancies were widely advertised, over 200,000 applicants competed, and written tests as well as interviews were conducted by the Departmental Selection Committees. Prima facie, there is no allegation of fraud, misrepresentation, forgery or any personal wrongdoing against the terminated Petitioners. Their appointments were therefore *prima facie* merit-based and consistent with the prescribed criteria. Except for the allegations against the petitioners in C.P. No. D-525 of 2025, against whom certain recommendations were made by the Inquiry Officer. However, no regular inquiry was conducted for their alleged misconduct, if any. The audit objections and the subsequent inquiry reports prima facie identify only administrative and procedural lapses attributable to the respondent department, such as excess recruitment, irregular advertisement of quotas, delayed receipt of applications, and incomplete document verification. These findings prima facie do not suggest that the appointed Petitioners secured their appointments through any illegality or manipulation. It is well-established principle that an employee cannot be penalized for errors committed by the Department, particularly after the candidate has undergone testing, interviews, appointment, and active service. Despite this, the duly appointed Petitioners were removed from service without issuance of show-cause notice, without a personal hearing, and without being associated with the inquiry proceedings. Such action violates the fundamental principles of natural justice, particularly the rule of *Audi Alteram Partem*, and infringes Article 10-A of the Constitution, which guarantees the right to due process in all administrative and quasi-judicial matters. The Supreme Court has consistently held that even temporary or contract employees cannot be dismissed without due process, much

less individuals who have been appointed to sanctioned posts through a competitive process.

9. The official Respondents issued sweeping, collective termination orders across various Circles without examining the specific facts of each individual case, notwithstanding that each Circle conducted its recruitment independently. The subsequent directive to re-conduct recruitment tests, after the Petitioners had already been appointed and had served for several months, is legally unsustainable. The Supreme Court has repeatedly affirmed that once an appointment is validly made, re-testing or reopening the recruitment process cannot extinguish an employee's vested right, except where fraud is established, an allegation absent in the present case. Moreover, the initiation of further adverse actions despite subsisting status quo orders in similar matters by the learned High Court demonstrates that the official Respondents acted hastily, disregarded judicial restraint, and proceeded without lawful authority.

10. In light of the foregoing facts and circumstances, the Petitioners' appointments stand merit-based and duly made pursuant to valid NOCs and a competitive recruitment process. The audit objections and inquiry reports do not attribute any fraud, misrepresentation, or misconduct to the Petitioners, and therefore cannot justify the cancellation of their vested appointments, as such retesting is not called for. The termination orders dated 28.02.2025, issued without prior notice, without affording an opportunity of hearing, and without individualized assessment, are void, arbitrary, and in violation of Articles 4, 9, 10-A, and 25 of the Constitution. Likewise, the directions dated 11.07.2024 and 13.03.2025 to re-conduct recruitment tests after the Petitioners had already been appointed are unlawful, unreasonable, and contrary to established principles of service jurisprudence. All adverse actions premised exclusively on procedural deficiencies attributed to the Selection Committee are declared devoid of lawful justification and are accordingly annulled, subject to lawful exceptions and without prejudice to the initiation of regular inquiry, if supported by substantive and credible material. The terminated Petitioners are, therefore, entitled to reinstatement, continuity of service, and release of withheld salaries forthwith if not earlier paid.

11. These petitions are disposed of in the above terms."

2. Learned A.A.G. opposed the petition, contending that the petitioner, being a civil servant, must approach the Sindh Service Tribunal. He further submitted that the appointment suffered from irregularities, including non-compliance with Establishment Division directions, defective DAC proceedings and violation of the relevant Post Office Manual rules. He prayed to dismiss these petitions

3. Since the controversy has already been decided by this Court through common order dated 27.11.2025 and the petitioner's case is identical, these petitions are disposed of in terms thereof, and the competent authority shall reconsider the decision in terms of the aforesaid order of this court and if their case falls within the ratio of the aforesaid order the decision be made accordingly. The aforesaid exercise shall be undertaken within three weeks time.

J U D G E

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