

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No. D-5800 of 2023  
[Mahfooz-ur-Rehman Sahito v. Government of Sindh and others]

Date	Order with signature of Judge(s)
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Before:  
Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Muhammad Hassan Akbar

**Date of hearing and Order: 26.03.2026**

Mr. Muhammad Ayoub Chandio, advocate for the petitioner.  
Mr. Zul Hasnain Shah, advocate for SESSI.  
Mr. Abdul Jalil Zubedi, AAG.

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**ORDER**

**Adnan-ul-Karim Memon, J.** – Petitioner has filed this Constitution Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking the following relief(s):-

- “a) To set aside the impugned verbal order of appeal dated 10-07-2023 and impugned order dated 23-05-2019 passed by the respondents/department.*
- b) To direct the respondent No.3 to reinstate the petitioner with all back continuity of service benefits, w.e.f. 01st August 2018.*
- c) Grant any other relief (s) which this Hon'ble Court may deem fit and proper as per the circumstances of the petition.*
- d) Grant cost of the Petition to the petitioner.”*

2. The petitioner, Dr. Mehfooz ur Rehman, ENT Specialist (BPS-18) at KVSS SITE Hospital, is aggrieved by the impugned meeting held on 10-07-2023, wherein his appeal dated 13-03-2023 against the office order dated 23-05-2019, imposing the major penalty of removal from service w.e.f. 04-06-2018, was verbally dismissed by the respondents. He submitted that he was appointed as ENT Surgeon in April 2004, confirmed in April 2007, and performed his duties diligently, managing all aspects of the ENT Department. In 2013, he availed of an ex-Pakistan leave to serve at the Ministry of Health, Saudi Arabia, which was extended until August 2018. Upon completion of his leave, he submitted his joining report on 04-06-2018, but the hospital did not issue his joining letter due to the extended leave period. Further, he had to travel again to Saudi Arabia to care for his seriously ill son, who was hospitalized with asthma, and was prevented from returning earlier due to COVID-19 travel restrictions. During this period, no communication was made by the department regarding his service status, leaving the petitioner unaware of any alleged disciplinary action. On returning to Pakistan on 01-12-2022, he promptly applied for rejoining and approached various authorities, including the Medical Advisor and Ministry of Labour, but received no favorable response. The petitioner also alleged that officials demanded extortionate sums to facilitate his reinstatement. Eventually, he filed an appeal before the SESSI Appellate Committee on 13-03-2023, but his matter was not heard during the meeting of 10-07-2023, and he was verbally informed that his appeal was declined.

3. The learned counsel for the petitioner contended that the impugned order and verbal dismissal are unlawful, as no proper inquiry or show-cause notice was served upon the petitioner, and the proceedings were conducted with malafide intentions. He argued that the inquiry was defective, the petitioner was denied his right of hearing, and the department inconsistently reinstated other employees in similar circumstances. It was submitted that the petitioner is entitled to reinstatement with all back benefits and continuity of service w.e.f. 01-08-2018, and that the impugned orders are liable to be set aside.

4. The first question is whether the departmental appeal was decided by the respondent, SESSI, or not.

5. At this stage, counsel for the SESSI submits that with the approval of Minister for Labour / Chairman Governing Body, SESSI and with the consent of all Governing Body members, the 176<sup>th</sup> meeting of the Governing Body, SESSI, which was scheduled on 31.03.2026 now has been rescheduled on 02.04.2026 at 11:00 a.m. at SESSI Head Office in that time the appeal of the petitioner if any shall be decided positively.

6. When confronted with the position of the case, learned counsel for the petitioner seeks the disposal of the petition in terms of the statement so made by the counsel for the SESSI. The request so made seems to be reasonable and acceded to.

7. Petition, along with pending application(s), stands disposed of in the above terms. However, it is made clear that the decision on the representation/appeal of the petitioner shall be made positively at the meeting by considering all his grounds with justiciable reasons. Let a copy of this order be communicated to all concerned for compliance. They are to be serviced through the electronic and WhatsApp applications.

JUDGE