

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-1522 of 2026
[Rameez Ali v. Secretary Health and others]

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 22.04.2026

Mr. Ghulam Umar advocate for the petitioner
Mr. Muhammad Nishat Warsi advocate for the Respondent
Mr. Ali Safdar Depar AAG

ORDER

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

- i) *Declare that the forced resignation dated 11.11.2025 as illegal, unlawful, avoid and without lawful authority;*
- ii) *Direct Respondent No.2 namely Vital Pakistan Trust to reinstate the petitioner in service on his previous position with all earlier service benefits, including pay, seniority, continuity of service, and any promotion that was deferred or withheld as a consequence of the impugned action;*
- iii) *Grant any other relief which this Honourable Court deems just, proper and equitable in the circumstances of the case.*

2. Learned counsel for the petitioner submits that the petitioner was appointed as a Coordinator with Respondent No.2 and performed his duties diligently, honestly, and to the satisfaction of his superiors without any complaint or adverse remark throughout his service. He was entrusted with important administrative responsibilities, including management of staff leave records and coordination with various departments.

3. It is contended that on 11.11.2025, the petitioner was abruptly summoned by the HR department and informed of vague allegations of harassment, whereupon he was coerced into tendering his resignation. Counsel submits that no written complaint, charge-sheet, or inquiry proceedings were ever initiated, nor was any opportunity of hearing or defence afforded to the petitioner, in clear violation of the principles of natural justice and Article 10-A of the Constitution. Learned counsel further argues that the resignation was not voluntary but obtained under duress and coercion, thus amounting to illegal termination in the eyes of law. The impugned action is stated to be arbitrary, malafide, and without lawful

authority, causing serious financial loss and irreparable harm to the petitioner's reputation and career. It is therefore prayed that the alleged forced resignation be declared illegal and void, and the petitioner be reinstated in service with all consequential benefits, along with any other relief deemed just and proper in the circumstances.

4. Learned counsel for Respondents No. 2 and 3 and AAG submit that the instant Constitutional Petition is not maintainable under Article 199 of the Constitution, as Respondent No. 2 is a private organization which neither performs any statutory nor public function; therefore, no writ lies against it. It is further contended that the petitioner is not an aggrieved person and has an adequate alternate remedy under the law of master and servant, rendering the present petition misconceived and liable to dismissal. Counsel further argues that the petitioner has not approached this Court with clean hands and has concealed material facts. It is submitted that the petitioner was a contractual employee who voluntarily tendered his resignation on personal grounds, which was duly accepted, and all his dues were settled accordingly. The allegation of coercion or illegality is categorically denied. It is also contended that Respondent No. 1 has no authority to interfere in the internal affairs of Respondent No. 2, which is a non-profit organization operating independently, though in collaboration with the Government of Sindh for welfare purposes. Learned counsel maintains that the petition is frivolous, devoid of merit, and the answering respondents have been unnecessarily dragged into litigation; hence, the same is liable to be dismissed with costs.

5. Learned counsel for the petitioner, in rebuttal, submits that the objection regarding maintainability is misconceived and untenable, as Respondent No. 2, though a private entity in form, is performing functions of public importance in the health sector in close coordination and collaboration with the Government of Sindh, thus attracting the constitutional jurisdiction of this Court under Article 199 of the Constitution. It is contended that where a private body performs public functions or is substantially controlled or regulated by the Government, its actions are amenable to judicial review. It is further submitted that the petitioner is clearly an aggrieved person, having been unlawfully deprived of his employment through a forced resignation obtained under coercion, without due process of law. The availability of an alternate remedy under the law of master and servant is not an absolute bar, particularly where the impugned action is patently arbitrary, malafide, and violative of fundamental rights, including the right to fair trial and due process guaranteed under Article 10-A of the Constitution. Learned counsel vehemently denies the allegation of concealment of facts and submits that the petitioner has approached this Court with clean hands and has disclosed all material facts. It is reiterated that the so-called resignation was not voluntary but

was extracted under duress, without issuance of any show-cause notice, charge-sheet, or inquiry proceedings, rendering the action illegal and void ab initio. It is further contended that the plea regarding non-interference by Respondent No. 1 is misconceived, as the Health Department exercises oversight and coordination over projects undertaken by Respondent No. 2, thereby justifying its impleadment. Learned counsel concludes that the petition raises serious questions of legality, fairness, and due process, and cannot be termed as frivolous. The petitioner has suffered grave injustice, and therefore, the instant petition is maintainable and liable to be allowed with appropriate relief.

6. We have heard the learned counsel for the parties and perused the record with their assistance.

7. It emerges from the record that the petitioner was engaged on a contractual basis with Respondent No. 2, a non-governmental organization, and his terms of employment were governed by a contract simpliciter falling within the realm of master and servant relationship.

8. The central dispute hinges upon whether the resignation dated 12.11.2025 was voluntary or obtained under coercion. In this regard, the record reflects that the petitioner admittedly tendered his resignation, which was duly accepted by the competent authority of Respondent No. 2, and consequential settlement of dues was also effected vide clearance certificate issued by the respondent No.2. There is nothing on record to show that the said resignation was withdrawn, protested against at the relevant time, or challenged immediately upon acceptance. However he moved an application on 3.3.2026 much after acceptance of the resignation by issuing Clearance Certificate duly signed by the petitioner.

9. It is a well-settled principle of service jurisprudence that in contractual employment, once a resignation is voluntarily tendered and duly accepted, the relationship of employer and employee stands severed, and ordinarily no right of reinstatement survives, unless it is established through cogent and reliable evidence that the resignation was vitiated by coercion, fraud, or undue influence. Mere allegation of pressure, without prompt complaint or supporting material, is insufficient to dislodge an otherwise valid act of resignation and acceptance.

10. Furthermore, Respondent No. 2 being a private entity not performing statutory functions, the relationship between the parties remains contractual in nature. Consequently, the dispute raised by the petitioner essentially falls within the domain of master and servant, for which adequate alternate remedies are available, and constitutional jurisdiction under Article 199 of the constitution is not ordinarily attracted in such matters.

11. Even otherwise, the material placed on record does not demonstrate any procedural illegality in the acceptance of resignation. The plea of coercion remains unsubstantiated and uncorroborated by contemporaneous evidence. On the contrary, the acceptance of resignation followed by final settlement supports the inference of a concluded severance of employment on mutual and formal terms.

12. In view of the above, the petitioner has failed to establish a case of unlawful termination or violation of constitutional or legal rights warranting interference in constitutional jurisdiction. The petition, therefore, appears to be misconceived and not maintainable, lacking merit in law as well as in facts.

13. Resultantly, the Constitutional Petition along with pending application(s) is dismissed.

JUDGE

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