

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Constitutional Petition No. D-3334 of 2024  
(*Wajahat Hussain & others versus Government of Sindh & others*)

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

**Date of hearing and order:- 03.11.2025**

Mr. Javed A. Qazi advocate for the petitioners  
Mr. Muhammad Ali Leghari advocate for the respondent No.6  
Ms. Saima Imdad, Assistant Advocate General, assisted by

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**ORDER**

**Muhammad Karim Khan Agha, J:** The petitioners have challenge their termination orders dated 21.05.2024 issued by Respondent No.6, seeking to have them declared null and void, with restoration of their employment from 01.09.2023, full back pay, reinstatement of contracts, and release of withheld salaries. They also request cancellation of the recruitment advertisement dated 08.07.2024 and interim relief against further recruitment action.

2. The petitioners were appointed as Financial Management Officer (PPS-08) and Civil Engineer (PPS-09), claimed that they were selected based on extensive experience and performed their duties diligently under Respondent No.6 without any negligence or misconduct. They asserted that their termination violated principles of natural justice, as no show-cause notice, inquiry, or explanation was issued before the impugned order.

3. Petitioner's counsel argued that under the law, both permanent and contractual employees are entitled to due process, including notice and an opportunity to be heard. The termination, therefore, contravenes Article 10-A of the Constitution (right to fair trial). In support of his contention he relied upon the cases of Mubarak Ali & others v Government of Punjab & others 1997 PLC (CS) 284, Trustees of the Port of Karachi v Saqib Samdani 2012 PLC (CS) 172, Muhammad Amjad Malik v Pakistan State Oil Co. Ltd & others 2005 PLC (CS) 318, Government of Khyber Pakhtunkhwa & others v Sher Aman & others 2022 SCMR 406, Muhammad Amin and another v Government of Punjab and others 2015 SCMR 706, Pakistan Defence Officers Housing Authority v Mrs. Itrat Sajjad Khan and others 2017 SCMR 2010, Hafiz Salman Ahmed v Board of Intermediate and Secondary Educations Shiwal & others 2025 PLC (CS) 1173, Muhammad Siddiq Javaid Chaudhry v The Government of West Pakistan PLD 1974 SC 393, Basharat Ali v Director Excise and Taxation Lahore and another 19978 SCMR 1543, unreported order in Writ Petition No.

5166-P/2018 passed by Peshawar High Court and unreported order in C.P. No. 5229 of 2015 and other connected petitions passed by this Court. He lastly prayed for allowing the instant petition.

4. Conversely, the learned AAG assisted by the counsel for the respondent No.6 argued that the petitioners were contractual employees, whose services could be terminated at any time without assigning reasons. She added that complaints of corruption were received from Usmani & Company (Pvt.) Ltd. dated 21.04.2024, justifying the termination orders. Therefore, the petitioners have no vested right to continuation or extension of their contracts, and the petition is liable to be dismissed.

5. After hearing both sides and examining the record, it is settled law that even though contractual employment can ordinarily be terminated *without assigning any reason*, if the termination carries a stigma, i.e., it alleges misconduct, dishonesty, corruption, or moral turpitude, then the principles of natural justice must be followed, regardless of contractual status. In such cases, termination cannot be done abruptly. The employer must issue a show-cause notice clearly stating the charges/allegations. Provide an opportunity to explain and defend. Conduct an inquiry into the serious allegations. Record findings, and only then, if proven, proceed to terminate. If these steps are not followed, the termination order is considered void ab initio and violative of Article 10-A of the Constitution (right to fair trial and due process). It is also settled that when the termination order is punitive or stigmatic, the employee must be allowed to defend themselves, regardless of contract terms. It is also well settled that Contract employees, though not permanent, are still entitled to due process when the order of termination casts aspersions on their conduct or integrity. Such orders are quasi-judicial in nature and must comply with natural justice.

6. In view of the foregoing discussion, it is evident that the impugned termination orders dated 21.05.2024 were passed in violation of the settled principles of law and natural justice. The record reflects that no show-cause notice, explanation, or inquiry was conducted prior to the termination of the petitioners, yet the orders themselves carry allegations that cast serious aspersions on their integrity and professional conduct. Such stigmatic termination, even in the case of contractual employees, cannot be sustained in the eyes of law.

7. The respondents were bound to afford the petitioners an opportunity to explain and defend themselves before taking any punitive action. The failure to do so amounts to a clear violation of Article 10-A of the Constitution of the Islamic Republic of Pakistan, which guarantees the

right to a fair trial and due process. Consequently, the impugned termination orders are declared illegal, without lawful authority, and void ab initio. The competent authority of the respondents is directed to reinstate the petitioners to their respective posts with all back benefits and consequential reliefs, and to proceed, if so advised, strictly in accordance with law after following the due process and principles of natural justice.

8. The petition stands disposed of in the above terms.

HEAD OF CONST. BENCHES

JUDGE

Shafi