

# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**CP No. D- 1170 of 2025**

[Muhammad Shakeel Baig v. Province of Sindh & others]

**BEFORE:**

**JUSTICE ADNAN-UL-KARIM MEMON**  
**JUSTICE RIAZAT ALI SAHAR**

Petitioner: Through Syed Muhammad Saulat Rizvi Advocate  
Mr. Rafiq Ahmed Dahri, Asstt: A.G., along with Imran  
Illahi Sahito, Law Officer LUMHS Jamshoro

Date of hearing:  
& Decision: 27.11.2025

## **ORDER**

**ADNAN-UL-KARIM MEMON, J. -** The petitioner has prayed as under:-

- a) *Hold and declare that the petitioner has been appointed and promoted quite lawfully as per the collective wisdom of the respective decision of the Syndicate based upon the recommendations of the respective DPC/Selection Boards.*
- b) *Hold and declare that the enquiry proceedings initiated and conducted against the petitioner, particularly at his back, were incompetent, void ab initio, and malicious.*
- c) *Hold and declare that the LUMHS Ordinance and First Statute do not provide supervisory powers to the controlling authority in respect of matters related to Appointments and promotions of Employees of LUMHS.*
- d) *Hold and declare impugned penalty, i.e., Reduction to Lowest Stage based upon direction of Chief Minister is illegal, incompetent, void ab initio, and malicious with ulterior motives.*
- e) *Set aside the impugned penalty based upon directions of the Worthy Chief Minister communicated by Secretary U& B.*
- f) *Award any other relief as deemed just and proper in the circumstances of the case.*

2. The petitioner case is that he was initially appointed as a Lab Assistant on an ad-hoc basis on 15.02.1994 and was later regularized. Since he was already working as a Stenographer and as P.A. to the Registrar, he sought promotion. His case was considered by the DPC, which recommended his promotion to BPS-16 as P.A., approved by the Vice Chancellor on 23.04.2010. After completing five years in BPS-16, he became eligible for BPS-17. He submitted that the DPC recommended his

promotion through Resolution No. SB-30.6, Minutes dated 20, 21, 27 & 28 April 2015. Although objections were raised, a Resolution Committee constituted by the Chief Minister of Sindh held that the objections were invalid, and his promotion to BPS-17 was notified on 25.08.2015. He submitted that upon completion of five years in BPS-17, his case for BPS-18 was placed before the Selection Board on 18.09.2020 and it was approved under Resolution SB-37.2(B). The Syndicate subsequently approved and notified it on 19.10.2020. The petitioner maintains that all his promotions were processed transparently through proper scrutiny. However, the Planning and Development Department's Scrutiny Committee for NAB cases conducted an inquiry beyond its jurisdiction and without hearing him, questioning the legality of his initial appointment and promotions. Based on this inquiry, the Chief Minister recommended compulsory retirement or reduction to a lower grade. The petitioner claims the inquiry and proposed actions are discriminatory.

3. Respondents 3 to 5, in their comments, assert that the petitioner was improperly promoted by bypassing senior candidates and codal formalities. They state that he was promoted as a Stenographer on 20.08.2002 despite being second in seniority, whereas the DPC had actually recommended the candidate at Serial No. 1. They also state that an Inquiry Committee was constituted on 27.11.2024 to examine his initial appointment and subsequent promotions. The petitioner was given a personal hearing on 05.12.2024 and submitted a written statement on 09.12.2024. The Universities & Boards Department, through a letter dated 23.05.2025, advised implementation of the Inquiry Committee's recommendations, approved by the Chief Minister, and sought a compliance report.

4. After examining the record and the respective positions of both parties, it appears that all promotions of the petitioner were granted based on recommendations of statutory bodies, DPC/Selection Board, and were formally approved by the Syndicate, which is the competent authority under the LUMHS Ordinance. Prima facie, the Planning & Development Department's Scrutiny Committee does not possess supervisory jurisdiction over matters of appointment or promotion of university employees; such powers rest exclusively with the University's statutory bodies. Any subsequent withdrawal, reversal, or alteration of a promotion cannot be made unilaterally, nor on the directions of an external authority, without due process, as reaffirmed in recent Supreme Court judgments, which hold that "A promotion duly granted by the competent authority cannot be withdrawn retrospectively or unilaterally without initiating a lawful inquiry strictly in accordance with statutory rules, providing full opportunity of hearing, and establishing misconduct through due process."

5. The inquiry relied upon by the respondents was initiated by a body lacking jurisdiction, and the penalty imposed appears to be the result of an external directive

rather than an independent statutory process of the University. In these circumstances, withdrawal or reduction of the petitioner's promotion cannot be sustained without a fresh, lawful inquiry by the competent authority under the University's Statute.

6. Without prejudice to the rights of the parties, and with the observations made herein being tentative in nature, particularly regarding the merits of the case, this petition is disposed of with the direction that the matter shall be remanded to the competent authority of the respondent University to undertake a de novo inquiry strictly in accordance with the LUMHS Ordinance, the First Statute, and applicable service rules. The inquiry shall be carried out by the duly authorized statutory body, ensuring full opportunity of hearing to the petitioner, and shall be concluded within three (03) months from the date of this order. Until the completion of the said inquiry, the impugned action/penalty shall remain suspended and shall not be given effect. The parties shall remain at liberty to avail any remedy available to them under the law if they are aggrieved by the decision rendered by the competent authority upon conclusion of the de novo inquiry.

7. This petition, together with all pending applications, is accordingly disposed of. A copy of this order be communicated to the respondents for compliance.

JUDGE

JUDGE