

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 3444 of 2022

[Ashfaque Nabi Qazi v. Province of Sindh & others]

CP No. D- 496 of 2023

[Ishrat Ali Lohar v. The Government of Sindh & others]

Before :

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Riazat Ali Sahar

Petitioners : Petitioners present in person
Mr. Muhammad Ismail Bhutto, Addl. A.G.,

Date of Hearing
& Decision: 08.12.2025

ORDER

ADNAN-UL-KARIM MEMON, J.- Through the listed Constitutional Petitions, the Petitioners who are Advocates have prayed as under:-

- i. Declare that the Government of Sindh / respondent No.1 is under a constitutional and legal obligation to establish permanent benches of the Sindh Service Tribunals on a territorial basis in terms of section 3(1) of the Sindh Service Tribunal Act, 1973.
- ii. In consequence of the above, direct the Government of Sindh / respondent No.1 to establish permanent benches of the Sindh Service Tribunal on a territorial basis in terms of section 3(1) of the Sindh Service Tribunals Act, 1973, preferably at Hyderabad, Sukkur, and Larkana, where benches of this Hon'ble Court are functioning.
- iii. In consequence of the above, direct the Government of Sindh / respondent No.1 to bring necessary amendments in sub sections (3) and clause (ii) of sub section 4 of section 3 of the Sindh Service Tribunal Act, 1973 to the effect that number of members of the tribunal be increased from two (2) to twelve (12) or thereabouts with equal proportion of judicial members (from amongst the sitting District and Sessions Judges) and executive members (from amongst the sitting civil servants in BPS-20 preferably having legal background).

2. The petitioners have filed these Public Interest Litigation (PIL) seeking implementation of the Sindh Service Tribunal Act, 1973 ("Sindh Act, 1973") regarding establishment of permanent benches of Sindh Service Tribunal ("Tribunal"), arguing that non-implementation deprives civil servants in remote areas of access to justice, a Fundamental Right under Article 9 of the Constitution. They submitted that Civil servants posted in Hyderabad, Sukkur, Larkana, and other remote areas face difficulty in accessing the Tribunal, which currently functions only at Karachi, resulting in underrepresentation or non-representation of these officers. They added that Service

Tribunals are distinct from the administration and are judicial in nature, established to provide legal remedies for civil servants. Their effective functioning is vital for administrative efficiency and public welfare. They relied upon Section 3(1) of the Sindh Act, 1973, which empowers the Government to establish one or more Tribunals and specify their territorial jurisdiction, but in practice, no permanent benches outside Karachi have been established. Temporary sittings (camping) in Hyderabad have been irregular and insufficient. They submitted that the Federal Service Tribunal functions through permanent camp offices in Karachi and Lahore, providing a model for equitable access. Similarly, High Courts and the Supreme Court have benches outside their principal seats to ensure justice is accessible to the public. The Tribunal's composition (1 Chairman and 2 Members) is inadequate to cater to the province-wise caseload, especially if permanent benches are to be established, requiring legislative amendment. Non-establishment of permanent benches affects not only civil servants but also legal practitioners in remote areas, limiting professional opportunities and undermining public access to justice. The past judgments including the Supreme Court's decision in *Shaikh Riaz-ul-Hassan & others* and the *Azhar Baloch* case, emphasize the Tribunal's judicial status and the need for accessible justice comparable to High Courts. Given the lack of executive or legislative action, the petitioners seek this Court's intervention in the public interest to ensure equitable access to the Sindh Service Tribunal for all civil servants.

3. The petitioners, are senior advocates of this Court have filed these petitions for the enforcement of fundamental right of access to justice under Article 9 of the Constitution, which is part of the doctrine of due process. The petitions are in aid of the rule of law under Article 4, and the proceedings are inquisitorial, not adversarial, as the issue concerns public interest and enforcement of fundamental rights, not private grievance. The petitioner, a practicing lawyer, seeks enforcement of the Sindh Service Tribunal Act, 1973, regarding establishment of permanent benches of the Sindh Service Tribunal beyond Karachi. Currently, civil servants in Hyderabad, Sukkur, Larkana, and other remote areas lack easy access to the Tribunal, resulting in frustration, demoralization, and affecting governance. Non-establishment of benches violates section 3(1) of the Sindh Act, 1973 and deprives employees of a fair trial, impartial tribunal, and proper legal representation. The Tribunal, a judicial body equivalent in status to High Courts (as held in *Shaikh Riaz-ul-Hassan*), must function as a substitute for High Courts under Article 212, particularly after *Azhar Baloch* judgment. Temporary "camping" under Rule 5 is inadequate and does not fulfill the legislative intent of permanent benches. The absence of such benches also prejudices the legal fraternity outside Karachi, limiting professional exposure. Establishment of permanent benches at Hyderabad, Sukkur, and Larkana will provide accessible justice, reduce the burden on the Karachi bench, and fulfill constitutional obligations under Articles 2-A,

4, 9, 10-A, and 25. The Government of Sindh's inaction in this regard is against the spirit of the Constitution and Section 3 of the Sindh Act, 1973.

4. After hearing the learned petitioners, who are present in person, and considering the submissions made by them, the provisions of the Sindh Service Tribunal Act, 1973 ("Sindh Act, 1973"), and the relevant constitutional and judicial pronouncements including *Shaikh Riaz-ul-Hassan & others* (PLD 2013 SC 501) and *Azhar Baloch* (2015 SCMR 456), this Court noted that the right of access to justice is a Fundamental Right under Article 9 of the Constitution and forms part of the doctrine of due process. This right is to be read alongside the principle of rule of law under Article 4. Section 3(1) of the Sindh Act, 1973 empowers the Government of Sindh to establish one or more tribunals and specify their territorial jurisdiction. The current practice of confining the Sindh Service Tribunal to Karachi, with only sporadic "camping" sittings in Hyderabad, Sukkur, and Larkana, is insufficient to meet the legislative intent of permanent benches. The Tribunal, being a judicial body of status equivalent to the High Courts, must function as a substitute for High Courts under Article 212 of the Constitution, particularly after the judgment in *Azhar Baloch*. Non-establishment of permanent benches in areas where benches of this Hon'ble Court are functioning denies civil servants in remote areas fair and easy access to justice, adversely affects governance, and prejudices the legal fraternity outside Karachi. The Court notes that establishment of permanent benches will also reduce the burden on the principal seat in Karachi and ensure effective administration of justice for civil servants across the province.

5. In view of the above facts and circumstances of the case, the Government of Sindh / respondent No.1 is under constitutional and legal obligation to establish permanent benches of the Sindh Service Tribunal on territorial basis, in terms of section 3(1) of the Sindh Act, 1973. The Government of Sindh is directed to establish permanent benches of the Sindh Service Tribunal preferably at Hyderabad, Sukkur, and Larkana within six (6) months from the date of this order. The Government of Sindh is further directed to take necessary steps, including legislative amendments if required, to increase number of Members of the Tribunal from two (2) to twelve (12), maintaining an appropriate proportion of judicial and executive members to facilitate proper functioning of the Tribunal and its permanent benches. The Government of Sindh shall file compliance report before this Court within stipulated period of establishing the permanent benches.

6. The petitions stand disposed of in the above terms.

JUDGE

JUDGE