

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

C.P. No.D-673 of 2025

[Arbab Ali Laghari vs. Province of Sindh & others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON.

JUSTICE RIAZAT ALI SAHAR.

Mr. Pervez Akhtar Talpur, Advocate for the petitioner.

Mr. Muhammad Sharif Solangi, Assistant Advocate General, Sindh.

Date of hearing & decision: 10.12.2025.

ORDER

ADNAN-UL-KARIM MEMON, J. - The petitioner through this constitutional
Petition prays as under:-

- a) Declare that the notification dated 4.8.2025 issued by respondent No.2 suspending the Petitioner as null, void, without lawful authority and liable to be cancelled forthwith.
- b) Issue directions to an independent inquiry body, such as Anti-corruption Establishment or constitute JIT to find out the truth.
- c) Grant any other relief deemed fit and proper under the circumstances of the case.

2. Case of the Petitioner is that he is serving as Director, Physical Education, College Education Department, Government of Sindh. He has rendered long, honest, and exemplary service with utmost devotion, punctuality, and professionalism. The Petitioner claims to be highly qualified, holding a Bachelor's degree in Health and Physical Education, a Master of Science in Physical Education, an MPhil in Physical Education, and a Ph.D. in Physical Education, all duly verified by the University of Sindh. Furthermore, he has conducted extensive research, with several articles currently under consideration for publication in reputed international journals. During his tenure, the Petitioner has maintained an unblemished service record, free from any allegations of misconduct or disciplinary proceedings. He has been recognized for his contributions through multiple certificates of appreciation issued by the College Education Department. He submitted that his brother, Mr. Muhammad Ali Laghari, contested the General Elections of 2024 against the then ruling political party in the province. The Petitioner had no involvement in his brother's political activities. However, certain political elements became agitated by Mr. Muhammad Ali Laghari's candidacy. As a result of apparent political victimization, the Petitioner has been subjected to arbitrary and unlawful actions by certain officials in the Government of Sindh, acting under political influence. He submitted that respondent No.6 entered the Petitioner's shop and demolished it, destroying valuable goods, including solar panels, batteries, electrical fittings, fans, refrigerators, photocopy machines, almirahs, furniture, and other equipment, without issuing any prior notice as required under Section 3 of the Sindh

Public Property (Removal of Encroachment) Act, 2010. Subsequently, FIR No. 28/2025 was registered against the Petitioner under Sections 353, 504, and 506/2 PPC at PS Sanghar. The Petitioner was granted bail and continued to contest the matter in court. During the proceedings, when Respondent No.6 appeared to give evidence and realized the case against the Petitioner was weak, he allegedly, as per the Petitioner, fabricated another false FIR No. 177/2025 under Sections 353, 504, 506/2, 34 PPC against the Petitioner and his brother to harass and pressurize them. Additionally, the Petitioner filed Civil Suit No. 19/2025 against Respondent No.6 for damages, which is still pending before Senior Civil Judge, Sanghar. Furthermore, the Assistant Commissioner, leveraging his official influence, recommended to the Additional Commissioner-II, Shaheed Benazirabad, to initiate proceedings against the Petitioner. Acting upon this recommendation, the Secretary of the College Education Department, Government of Sindh, unlawfully issued a suspension notification (No. SO(HR-VI)DPE(A-33)2012) dated 04-08-2025, placing the Petitioner under suspension without lawful authority. Despite submitting representations to the Chief Secretary, Government of Sindh, and Secretary College Education Department seeking redressal, no action has been taken, resulting in continued irreparable loss and injury to the Petitioner.

3. Learned counsel for the petitioner submitted that the suspension of Petitioner has also adversely affected the students of Government Boys Degree College, Shahpur Chakar, where he was actively engaged in providing physical education and co-curricular training. The absence of Petitioner has deprived the students of essential training, highlighting the broader negative impact of the impugned action. Additionally, the suspension has made it difficult for the Petitioner to attend court proceedings due to distance and logistical constraints, thereby obstructing his right to defend himself. The impugned order is administrative in nature and interlocutory, making it amenable to the constitutional jurisdiction of this Court under Article 199 of the Constitution of Pakistan. The Petitioner's name is also included at Serial No. 26 in the Final Seniority List, making him eligible for promotion. He prays that the suspension notification be declared null and void, and directions be issued for an independent inquiry, such as through Anti-Corruption Establishment or a Joint Investigation Team, to determine the truth.

4. On the other hand, learned AAG has strongly denied the allegations of political victimization and submits that the actions were part of a month-long anti-encroachment drive conducted across Sanghar City to remove illegal encroachments from government land, in compliance with superior court orders and public complaints about traffic congestion. Public announcements were made, and notices were served to the encroachers, including Mr. Muhammad Ali Laghari, instructing them to voluntarily remove encroachments within three days. He submitted that the Assistant Commissioner issued Order No. Asst/AC/SGR/16/2025, dated 09-01-2025, under Section 3(1) of the Sindh Public Property (Removal of Encroachment) Act, 2010, declaring the structures erected by Mr. Muhammad Ali Laghari on Nawabshah Road,

Ward-A, Sanghar, as illegal encroachments. The encroached area covered approximately 5,000 sq. ft of government land, distinct from the Petitioner's titled property of 1,170 sq. ft, as verified by official records and site maps. Learned AAG further contends that the Petitioner obstructed official duties, misbehaved, threatened, and physically assaulted the Assistant Commissioner while recording anti-encroachment drive, and shared videos on social media to defame the administration. FIRs were registered against the Petitioner and his brother on 21.02.2025 and 30.07.2025 for physical assault and obstruction of official work. Incident reports were submitted to the Deputy Commissioner, requesting disciplinary action in accordance with E&D Rules, 1973. He prayed to dismiss the petition.

5. In view of the facts and circumstances stated above, we have noticed that the suspension of the Petitioner is administrative in nature and does not constitute punishment under the service law. As per established service rules, a Government servant cannot be kept under suspension beyond three months without lawful extension, which, on record, does not appear to have been granted in the present case.

6. Accordingly, the competent authority is directed to release the Petitioner from suspension forthwith. In the event that any disciplinary proceedings are contemplated against the Petitioner, such proceedings shall be concluded within a period of three months from the date of commencement, in accordance with law, to ensure that his fundamental and service rights are not unduly prejudiced.

7. This petition is disposed of in the above terms, with all pending matters and claims regarding the suspension considered resolved subject to compliance with the directions issued herein. A copy of the order be communicated to the respondents for compliance.

JUDGE

JUDGE

Karar_Hussain/PS*