IN THE HIGH COURT OF SINDH AT KARACHI

C. P. NO. D-7335 of 2026
(Muhammad Asad Ali v. Federation of Pakistan & others)

Date | Order with signature of Judge

Before:-
Mr. Justice Riazat Ali Sahar
Mr. Justice Muhammad Hasan (Akber)

Date of hearing & order: 10.11.2026

Mr. Muhammad Ali Lakhani, advocate for the petitioner.

ORDER

Riazat Ali Sahar, J. The petitioner is an officer of the Police Service of Pakistan. At the relevant time he was posted as Senior Superintendent of Police, Mirpurkhas. He challenges disciplinary proceedings taken against him under the Civil Servants (Efficiency and Discipline) Rules, 2020 arising out of the death of Dr. Shahnawaz Kumbhar in 2024. Dr. Kumbhar, an accused in two blasphemy cases, was killed while in police custody in transit between Mirpurkhas and Umerkot. Two FIRs registered over his death name the petitioner as an accused.

2. The proceedings have reached an advanced stage. The record reflects that, on 03.06.2026, pursuant to the recommendations of a fact-finding committee constituted by the Government of Sindh, an inquiry order, charge sheet and statement of allegations were issued against the petitioner, and a departmental representative was appointed. The petitioner submitted his defence, whereafter the inquiry officer, respondent No. 3, conducted the inquiry and submitted his report on 28.08.2026. Subsequently, on 22.10.2026, a show cause notice was issued to the petitioner proposing the imposition of the major penalty of dismissal from service. Aggrieved by the said proceedings, the petitioner has invoked the constitutional jurisdiction of this Court, seeking annulment of the departmental inquiry, a declaration that he has committed no misconduct, a direction to the respondents to strictly adhere to the Rules of 2020, and an order restraining them from proceeding further pursuant to the impugned show cause notice. In support of his petition, he principally contends that he had no involvement in the alleged incident; that the responsibility for maintaining discipline amongst subordinate officials did not fall within the scope of his official duties; that the inquiry was conducted in violation of the principles of natural justice, as he was denied access

to the material relied upon against him and an opportunity to cross-examine the relevant witnesses; and that, in view of the pendency of criminal proceedings arising out of the same incident, the departmental proceedings ought to be deferred until the conclusion of the criminal cases.

3. We have heard learned counsel for the petitioner at the stage of admission and perused the record. In our view, the petition is not maintainable, for the following three reasons.

4. The petitioner is a civil servant, and the proceedings he challenges are disciplinary proceedings taken under the Civil Servants (Efficiency and Discipline) Rules, 2020. Disciplinary matters are matters relating to the terms and conditions of service. Under Article 212 of the Constitution, read with the Service Tribunals Act, 1973, such matters lie within the exclusive jurisdiction of the Federal Service Tribunal, and Article 212(2) bars every other court from entertaining them.

5. The Supreme Court settled in ***Ali Azhar Khan Baloch v Province of Sindh 2015 SCMR 456*** that this ouster is a constitutional command. Terms and conditions of service, including disciplinary proceedings, cannot be agitated before a High Court in its constitutional jurisdiction. Nor can the bar be avoided by alleging that the action is mala fide, without jurisdiction, or in breach of the rules, because those are grounds that the Tribunal itself is competent to examine: ***Khalid Mahmood Wattoo v Government of Punjab 1998 SCMR 2280***.

6. Every ground the petitioner urges is a ground of that kind. These are the alleged denial of access to evidence and of cross-examination, the scope of his duties as Senior Superintendent of Police, and whether his conduct amounts to misconduct within rule 2(1)(k) of the Rules of 2020. They go to the merits of the disciplinary case, and they can all be raised before the competent authority and, if necessary, before the Tribunal.

7. No final order has yet been passed. What the petitioner faces is a show cause notice proposing a penalty, to which he is entitled to reply and on which he is entitled to be heard. A show cause notice is not itself an adverse order. The competent authority may accept his reply and drop the proceedings or impose a lesser penalty. This Court has consistently declined to entertain constitutional petitions against charge sheets and show cause notices in disciplinary matters,

save where the notice is wholly without jurisdiction or barred by law: see, for example, ***Zulfiqar Ali Kariro v Province of Sindh, C.P. No. D-257 of 2025 (Sindh High Court, Karachi)***. Nothing of that kind is shown here. If a penalty is imposed, the petitioner will have a departmental remedy against it, followed by an appeal to the Federal Service Tribunal.

8. The petitioner's argument that the disciplinary proceedings should await the outcome of the criminal cases does not affect our conclusion. Departmental and criminal proceedings are distinct, and in principle they may proceed side by side. They differ in their purpose and in their standard of proof: departmental proceedings concern fitness to remain in service, while criminal proceedings concern guilt for an offence. Whether an inquiry should in the circumstances of a particular case await the criminal trial, whether under the Establishment Code or otherwise, is a question relating to the terms and conditions of service. It is therefore itself within the domain of the competent authority and the Tribunal, and not a matter for this Court under Article 199.

9. For these reasons, the petition is **dismissed** in limine as not maintainable, together with the pending applications. The petitioner may reply to the show cause notice and pursue the remedies available to him under the Rules of 2020 and the Service Tribunals Act, 1973. All his objections, including those to the conduct of the inquiry, remain open before those forums. Nothing in this order expresses any view on the merits of the disciplinary case or of the criminal proceedings.

JUDGE

JUDGE

Shahzad Soomro