

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

*Mr. Justice Muhammad Saleem Jessar;
Mr. Justice Abdul Hamid Bhurgri.*

C.P No.D-5393 of 2026

[Khuram Raza and others V. Province of Sindh and others]

C.P No.D-6073 of 2026

[Muharram Ali and another V. Province of Sindh and others]

C.P No.D-6074 of 2026

[Raja Ansari V. Province of Sindh and others]

Petitioners in CP No.D-5393/2026 : Through Mr. Abdul Qadir Leghari, Advocate.

Petitioners in CP No.D-6073/2026 : Through M/s. Shah Muhammad Maitlo and Ahsan Bari, Advocates.

Petitioner in CP No.D-6074/2026 : Through M/s. Shah Muhammad Maitlo, Moharram Ali and Ahsan Bari, Advocates.

Respondents 1 to 6 in all petitions : Through M/s. Jawwad Dero, Advocate General Sindh, Faizan Hussain Memon, Addl. A.G. Sindh and Saifullah Abbasi, AAG along with Mr. Tahir Hussain Sangi, Secretary, Health Department, Government of Sindh and Dr. Khalid Bukhari, MS Services Hospital, Karachi.

Respondent No.7/ KMC in CP No.D-5393/2026 : Through Mr. Khurram Ghayas, Advocate.

Date of Hearing : 29.09.2026

Date of Order : 29.09.2026

ORDER

Abdul Hamid Bhurgri, J.- By this common order, we intend to dispose of the above-captioned connected petitions, as they arise out of the same administrative decision and substantially involve identical questions of fact and law. The petitioners are aggrieved by the decision of the Government of Sindh/Health Department concerning relocation/reorganization of the functions of Sindh Services Hospital, Karachi, in connection with the proposed redevelopment and expansion of Dr. Ruth K.M. Pfau Civil Hospital, Karachi. The prayers made in these petitions, though differently worded, essentially seek interference with and suspension/set-aside of the said administrative decision.

2. The case set up by the petitioners, in substance, is that Sindh Services Hospital has been providing medical, diagnostic and

allied healthcare facilities to Government employees, retired employees and other persons entitled thereto, and that relocation/reorganization of its functions would adversely affect the beneficiaries presently availing such facilities. Their principal apprehension is that the alternate arrangements proposed by the respondents may not provide facilities equivalent to those presently available at Sindh Services Hospital and may consequently result in disruption of essential healthcare services.

3. Learned counsel for the petitioners argued that the impugned decision has been taken without adequately considering the practical consequences of relocation and the difficulties likely to be faced by the beneficiaries. According to them, the alternate arrangements proposed by the respondents are neither adequate nor equivalent to the facilities presently available at Sindh Services Hospital, particularly in relation to medical, diagnostic and allied services. It was further contended that availability and functionality of requisite diagnostic equipment, accessibility of alternate hospitals and continuity of services have not been adequately ensured. Learned counsel, therefore, urged that implementation of the impugned decision would cause serious inconvenience and prejudice to the beneficiaries and warrants interference by this Court in exercise of its constitutional jurisdiction.

4. Conversely, learned Advocate General Sindh, appearing on behalf of Respondent No.2, opposed the petitions and submitted that the impugned arrangement is a policy and administrative decision taken by the competent authorities as part of a broader redevelopment plan intended to augment the capacity and infrastructure of Dr. Ruth K.M. Pfau Civil Hospital, Karachi. He submitted that Sindh Services Hospital is neither being abolished nor are the services presently available to the beneficiaries being discontinued. According to him, its administrative and facilitation functions would continue at the alternate premises, whereas necessary clinical, diagnostic and treatment facilities would remain available through alternate arrangements made with the concerned public hospitals. He further submitted that the proposed redevelopment includes, inter alia, an OPD Complex and allied facilities and is being undertaken in the larger public interest.

Learned Advocate General maintained that the petitions essentially invite this Court to interfere in matters of policy, planning, technical assessment and allocation of public resources, which fall within the domain of the Executive. He further submitted that several assertions made by the petitioners are disputed and their determination would require factual as well as technical inquiry.

5. We have heard learned counsel for the parties, considered their respective submissions and examined the material available on record. The decision as to how public healthcare infrastructure is to be reorganized, where particular facilities are to be housed, and how available public premises and resources are to be utilized essentially falls within the domain of the Executive and the competent technical and administrative authorities. Constitutional jurisdiction is not intended to substitute the Court's assessment for that of the competent authority in matters involving policy, planning and allocation of public resources. Judicial review in such matters is concerned primarily with the legality of the decision-making process, and interference may be warranted where an action is shown to be without lawful authority, mala fide, arbitrary, discriminatory or contrary to a constitutional or statutory command. Mere disagreement with the wisdom, expediency or desirability of an administrative policy does not, by itself, furnish a ground for interference under Article 199 of the Constitution.

6. The constitutional power of judicial review, though fundamental to maintaining legality of executive action, does not permit the Court to substitute its own view for that of the competent authority on matters of policy, technical planning or allocation of public resources. Constitutional Courts must remain conscious of the institutional boundaries assigned to the respective organs of the State. Where executive action is shown to suffer from a legal or constitutional infirmity, judicial intervention is warranted; however, in the absence thereof, interference with the merits or wisdom of a policy decision would risk transgressing into the domain constitutionally entrusted to the Executive. Judicial restraint in such circumstances is itself an exercise of constitutional discipline and guards against judicial overreach. The Honourable Federal Constitutional Court has also emphasized the necessity for

constitutional courts to remain within the permissible bounds of judicial review and to refrain from assuming administrative functions falling within the lawful domain of the Executive.

7. In the present matters, no material has been placed before us which may establish that the impugned administrative arrangement suffers from any jurisdictional, constitutional or legal defect warranting interference in constitutional jurisdiction. On the contrary, several assertions raised by the petitioners, including those relating to the comparative adequacy of the existing and proposed facilities, availability and functionality of diagnostic equipment, suitability and accessibility of alternate premises, capacity of the respective hospitals and the consequences likely to follow from relocation, are disputed by the respondents. Resolution of these controversies would necessarily entail factual inquiry, technical assessment and, potentially, recording of evidence. Constitutional jurisdiction under Article 199, being summary in nature, is ordinarily not the appropriate forum for undertaking such an exercise or resolving seriously disputed questions of fact.

8. We are, therefore, not persuaded to interfere with the impugned policy/administrative decision merely on the basis of the apprehensions expressed in these petitions. Nevertheless, the matter concerns healthcare facilities being utilized by Government employees, retired employees and other persons entitled thereto. The process of relocation and redevelopment should not result in avoidable interruption of essential healthcare services. Significantly, it is the stated position of Respondent No.2, as advanced before us by the learned Advocate General Sindh, that Sindh Services Hospital is not being abolished; that its administrative and facilitation functions shall continue at the alternate premises; and that requisite clinical, diagnostic and treatment facilities shall remain available through the arrangements made with the concerned public hospitals.

9. Consequently, while declining to interfere with the impugned policy/administrative decision, the competent authorities shall adhere to the arrangements and assurances disclosed before this Court and ensure that, during the period of relocation/redevelopment, adequate alternate arrangements remain functional

and reasonably accessible so that essential medical, diagnostic and treatment services, as well as medical-fitness, disability and age-verification functions presently being provided, are not discontinued merely on account of relocation. The concerned authorities shall maintain appropriate coordination amongst Sindh Services Hospital, Sarfaraz Rafique Shaheed Hospital, Dr. Ruth K.M. Pfau Civil Hospital and such other public institutions as may form part of the approved arrangement, so that persons otherwise entitled to these facilities are not left without an effective alternate facility.

10. We further expect that the redevelopment project, which constitutes the basis of the impugned administrative arrangement, shall be pursued with due diligence and, as far as practicable, completed within the timeframe stipulated in the approved project plan. Nothing observed herein shall, however, be construed as this Court assuming supervision of the project or entering into its technical, financial or administrative aspects, which shall remain within the lawful domain and responsibility of the competent authorities.

11. For the foregoing reasons, no case for interference under Article 199 of the Constitution is made out. Accordingly, C.P. Nos.D-5393, D-6073 and D-6074 of 2026 are dismissed, along with all pending applications, if any, subject to the observations and directions contained herein. There shall be no order as to costs.

JUDGE

JUDGE
HEAD OF CONST. BENCHES

Ayaz Gul