

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P. No.D-4573 of 2016**

---

<b>Date</b>	<b>Order with signature of Judge</b>
-------------	--------------------------------------

---

**Present**

**Mr. Justice Muhammad Ali Mazhar**

**Mr. Justice Arshad Hussain Khan**

Inayatullah Khokhar & others ..... Petitioners

V E R S U S

Government of Sindh & another ..... Respondents

**Date of hearing 28.09.2016**

Mr. Mohammad Tariq advocate for the petitioners

Mr. Abdul Jalil Zubedi A.A.G

Mr. G.M. Bhutto advocate for Respondent No.2

Mr. Abdul Jalil Zubedi A.A.G

Dr. M. Aslam Pechuho, Additional Secretary, Health Department.

Saadat Ahmed, Section Officer, Health Department.

Suriya Memon, Director, Directorate of Nursing Sindh, Respondent No.2 is also present.

-----

**Muhammad Ali Mazhar, J:** Basically, the petitioners have challenged the Notification dated 11.08.2016 (available at page 69 of the court's file), whereby, 11 officers of the Health Department were suspended including seven (07) petitioners.

2. Learned A.A.G invited our attention to page 31 which is a show cause notice issued on 12.07.2016. He argued that show cause notice has been issued under Section 3 of Removal from Service (Special Powers) Sindh Ordinance, 2000 on the ground

of serious misconduct. The Inquiry Committee has been constituted by the Secretary, Health Department in relation to bogus admissions in the nursing department. He further argued that various admissions were allowed in violation of the N.T.S merit list even some persons were appointed on the basis of bogus documents who never appeared in the test. In order to thresh out all these irregularities, the Inquiry Committee has been constituted and after issuing show cause notice, the petitioners were placed under suspension vide Notification dated 11.08.2016. Learned A.A.G further argued that admittedly the petitioners are civil servant, therefore, keeping in view the bar contained under Article 212 of the Constitution, this petition is not maintainable and the remedy is to invoke the jurisdiction of Service Tribunal after passing any final order against the petitioners.

3. On the contrary, learned counsel for the petitioners argued that since no appeal is available against the suspension order under the provisions of R.S.O 2000, therefore, petitioners have approached this court. He further submits that no illegalities have been committed by the petitioners and the allegations mentioned in the show cause notice are baseless.

4. We have gone through the contents of the Notification issued for the suspension and the show cause notice. Some serious allegations have been leveled in the show cause notice and after issuing show cause notice, the suspension order was issued in the same sequence. Whether petitioner has

committed any misconduct or not it is for the competent authority to decide after conducting inquiry in accordance with law but in the constitution petition, no findings at this stage can be given by this court as to whether petitioners have committed any misconduct or not. We have also not found any illegality in the suspension letter which may warrant interference by this court besides the bar contained under Article 212 of the Constitution. The Additional Secretary, Health Department is also present and he submits that during inquiry ample opportunity of hearing will be afforded to all the petitioners and final order shall be passed strictly in accordance with law. When we asked him whether suspension can continue for an unlimited period of time? Learned A.A.G himself submits that there must be some time frame in which the inquiry shall be completed and he requests for some reasonable time. The Additional Secretary submits that within ninety (90) days the entire exercise will be completed and order will be passed in accordance with law. Petition is disposed of accordingly along with pending applications. Copy of this order be transmitted to the learned A.A.G.

JUDGE

JUDGE

Aadil Arab