

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

C.P. No. D-6607 of 2018

DATE

ORDER WITH SIGNATURE OF JUDGES

Before:-

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Agha Faisal

Syed Rafique Ahmed Shah

.....

Petitioner

Versus

Province of Sindh and others

.....

Respondents

For order as to Maintainability of Petition.

Date of hearing: 30.01.2019

Syed Rafique Ahmed Shah, Petitioner is present in person.

Mr. Jawad Dero, Additional Advocate General Sindh a/w
Mr. Ghulam Akbar Lashari, State Counsel.

Mr. Mian Sarfaraz Khero, Section Officer-III, Local
Government Department, Government of Sindh, Karachi.

Mr. Muhammad Usman Malkani, Chairman District Council,
Sajawal.

Mr. Muhammad Azam, Chief Officer, District Council,
Sajawal.

Mr. Sarwar, Assistant, District Council, Sajawal.

Syed Zaheer Ahmed Shah, present in person.

Muhammad Ali Mazhar, J: The petitioner has sought the directions against the respondents No. 1 to 3 to take action against the respondent No. 4 and start disciplinary action. When we asked the petitioner as to whether he filed any complaint against the respondent No. 4, he pointed out page-81 of the court file which is a complaint moved on 30.07.2018 to the Secretary, Local Bodies, Government of Sindh, Karachi in which certain allegations were levelled against the respondent No. 4. It has been also alleged in the

complaint that the respondent No. 4 has gained some benefits from Syed Zaheer Ahmed Shah and made false statements. Syed Zaheer Ali Shah is not party to the proceedings but he is present as according to him he received information from District Council Sajawal regarding this matter so he voluntarily appeared. It is well settled exposition of law that the disputed question of fact and or factual controversy cannot be resolved under the constitutional jurisdiction.

Since the petitioner has submitted a complaint to the Secretary, Local Bodies, Government of Sindh, therefore, we dispose of this petition with directions to the Secretary, Local Government, Government of Sindh to decide the pending complaint of the petitioner within a period of one month after providing ample opportunity of hearing to the complainant and the respondent Nos. 2 to 4 as well as Syed Zaheer Ahmed Shah.

JUDGE

JUDGE

*SHUIBAN/PA**