

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Constitutional Petition No. D –6027 of 2020**

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DATE                      ORDER WITH SIGNATURE(S) OF JUDGE(S)

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Fresh Case :

1. For orders on CMA No.25921 of 2020 :
2. For orders on CMA No.25922 of 2020 :
3. For hearing of main case :

10.12.2020

Mr. Salman Mujahid Baloch, advocate for the petitioner.  
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It is contended that the petitioner is the Deputy Convener of a political party and he believes in the rule of law. He has brought this *lis* before this Court due to the alarming situation in the Province of Sindh, more particularly due to mismanagement, and corrupt practices by the Investigating Agencies throughout the country in their respective inquiries by allowing the civil / Government servants to enter into plea bargain and voluntarily return of the ill-gotten gains to NAB authorities under Section 25 of the National Accountability Ordinance, 1999 (**NAO 1999**). It is contended, inter alia, on behalf of the petitioner that the Sindh Government has allowed promotions and postings to more than five hundred (500) civil / Government servants, who are beneficiaries of Section 25 of NAO, 1999. He emphasized that the respondent-Sindh Government and its departments are indulged in gross violation of law by allowing corrupt officials to enjoy the postings despite their deemed conviction under the NAB law. Per learned counsel, the option of voluntarily return by a public servant and / or civil servant falls within the ambit of misconduct and needs to be departmentally proceeded against once he / she admits that he / she had earned money or acquired assets by corruption. He further argued that after admitting this fact he / she cannot hold any public office either in the Federal or Provincial Governments or in any state-owned organization. He also emphasized that this Court needs to examine the vires of Section 25(a) of NAO, 1999, authorizing the Chairman NAB to accept the offer of voluntary return of the amount illegally earned by a civil / Government servant. Per learned counsel, this provision is in conflict with the provisions of the Constitution where such power can only be exercised by a judicial forum as after the voluntarily return, the person goes scot-free without any stigma on his / her career.

To appreciate the aforesaid contentions of the petitioner, let notice be issued to respondents 1, 2, 4, 5, 6, 7, and 8 as well as to the learned Attorney General of Pakistan and learned Advocate General of Sindh under Order XXVII(A) of CPC. The Chief Secretary Sindh, to submit complete details of such cases of the Civil / Government Servants who entered into plea bargaining and Voluntary Return (VR) under the NAB law. To be listed on **21.12.2020 at 11:00 a.m.**

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