

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**CP. No. D- 838 of 2023**  
*(Farhan Khan Abbasi v. Province of Sindh and 2 others)*

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Date Order with Signature(s) of Judge(s)

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Fresh Case

1. For order on Misc No.3872/2023 (u/a)
2. For order on Misc No.3873/2023 (exp.)
3. For order on Misc No.3874/2023 (stay)
4. For hearing of main case

**13.02.2023**

Mr. Shamsuddin Bhayo, advocate for the petitioner

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This is the petition for the issuance of the writ of quo warranto under Article 199 (1)(a)(ii) of the Constitution of the Islamic Republic of Pakistan, 1973, filed by Farhan Khan against respondent No.3 Zameer Ahmed Abbasi under what law and authority he is currently holding the post.

At the outset, we asked the petitioner, how this petition is maintainable against the appointment of respondent No.3 when in the earlier petition bearing No.D-1221/2022 a similar question was raised and this Court vide order dated 27.7.2022 dismissed the petition as not pressed along with pending applications and the petitioner has repeated the same request through the instant petition.

Mr. Shamsuddin Bhayo, learned counsel for the petitioner, replied to the query and submitted that the private respondent does not hold the qualification to be appointed on any post on the purported plea of qualifying for the competitive examination 2003 on the plea of the recasting of result, besides there is no recommendation of the Sindh Public Service Commission for his appointment as Section Officer, thus his initial appointment, as well as promotion in BPS-18, is illegal, void and against the provisions of the Constitution; that respondent No.1 is hand and glove with the respondent No.3. He further submitted that in the earlier petition, the parties compromised outside the Court and the illegality of the appointment of the respondent No.3 remained un-adjudicated by this Court, therefore, this petition is maintainable under Article 199 of the Constitution.

We have heard learned counsel for the petitioner on the maintainability of the instant petition and perused the material available on record.

Since the issue relates to the initial appointment of the private respondent based on the alleged disqualification and the petitioner has to substantiate through

cogent material, which could only be threshed out by the competent authority of the Government of Sindh and we at this juncture are not in a position to say for and against the initial appointment of the private respondent, therefore, without touching the merits of the case, leave the petitioner to approach the competent authority of the Government of Sindh, for redressal of his grievances for the simple reason that the issue of eligibility of the private respondent to hold the post is to be looked by the competent authority first and if the decision goes against the petitioner he is at liberty to call in question vires of the order before the appropriate forum.

This petition stands dismissed in *limine* together with the listed applications, in the above terms.

**JUDGE**

**JUDGE**

Nadir\*