

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-1503 of 2024

(Naveed Iqbal and another v Province of Sindh & others)

Date

Order with signature of Judge

Before:

Mr. Justice Muhammad Karim Khan Agha

Mr. Justice Adnan-ul-Karim Memon

Date of hearing and Order: 16.01.2025

Mr. Muhammad Yasir advocate for the petitioners

Mr. Ali Safdar Depar AAG

ORDER

Adnan-ul_Karim Memon, J: The petitioners Naveed Iqbal and Muhammad Nasir request this court to set aside the impugned order bearing No. 3835/E-IV/Appeal dated 11.03.2024 where their services were dispensed with.

2. The facts of the case are that Petitioner No.1 was appointed as Constable in the year 2002 and Petitioner No. 2 was appointed as Constable in 1987 in the respondent police department. Petitioner No.1 owing to requisite educational qualification was appointed/promoted to Head Constable vide Notification dated 21.05.2011; that he served the department to the satisfaction of his command and officials; that in the year 2020, petitioner No.1 was issued a show cause Notice dated 04.05.2020; that under said show cause notice and under an inquiry by SP Liaquatabad Division Karachi, the Deputy Inspector General of Police, West Zone, Karachi awarded major punishment of dismissal from service to the petitioner No.1 vide office order bearing No. DIGP/WZ/EB/DP/28374-78/2020 dated 04.06.2020, thereafter petitioner No.1 preferred an appeal dated 08.06.2020 under Rule 13 of the Sindh Police (Efficiency & Discipline) Rules `988 within the stipulated time and he also preferred a Service Appeal No. 458/2020 against the original order dated 04.06.2020 before Sindh Service Tribunal Karachi and it was dismissed vide order dated 08.04.2021. Petitioner No.2 was promoted to Head constable in the year 1993 and was again promoted to Assistant Sub-Inspector in the year 1997 and further as Sub-Inspector in the year 2011 and he was also issued a show cause Notice dated 04.05.2020; under said show cause notice and inquiry by SP Liaquatabad Division Karachi, the Deputy Inspector General of Police, West Zone Karachi awarded him major punishment of dismissal from service vide order bearing No. DIGP/WZ/EB/DP/28369-73/2020 dated 04.06.2020, thereafter petitioner No.2 preferred an appeal dated 08.06.2020 under Rule 13 of the Sindh Police (Efficiency & Discipline) Rules `988 within the stipulated time and

he also preferred a Service Appeal against the original order before Sindh Service Tribunal Karachi, which also met the same fate.

3. We have heard learned counsel for the petitioners on the maintainability of the petition and have perused the material available on record with their assistance.

4. Sindh Civil Servants, are governed by the Sindh Service Tribunal Act, 1973, generally cannot file Constitutional Petitions (Article 199) for service matters, including termination. This is because the Sindh Service Tribunal has exclusive jurisdiction over service matters, as per Section 3(2) of the Act and Article 212 of the Constitution. The Supreme Court in *Azhar Ali Khan Baluch v. Province of Sindh* (2015 SCMR 456) held that "Terms and Conditions of Service" fall under the Service Tribunal's jurisdiction. Civil Servants have a remedy before the Sindh Service Tribunal against Dismissal and Appellate Orders.

5. When confronted with this position to the counsel for the petitioners he candidly agreed to the extent that petitioners may be allowed to avail their service remedy before Sindh Service Tribunal against the impugned order.

6. In view of the above this petition stands disposed of with a direction to the petitioners to avail their remedy before the Sindh Service Tribunal against the impugned order.

JUDGE

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