

IN HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No. D-657 of 2025

[Abid Hussain Soomro v. Province of Sindh & Others]

Before:

Mr. Justice Arbab Ali Hakro

Mr. Justice Riazat Ali Sahar

Petitioner : Abid Hussain Soomro through
Mr.Ghulam Murtaza Shaikh,
Advocate

Respondents : Nil.

Date of Hearing : **06.05.2025**

Date of Decision : **06.05.2025**

JUDGMENT

RIAZAT ALI SAHAR.J.- Through this petition, the petitioner is seeking following reliefs:-

- a) *That this Honorable Court may be pleased to direct the respondents to maintain SNE dated 20.09.2022 wherein post of the petitioner was inducted at the Sr. No.4 (Assistant Director Software BPS-17) and consider the same as earlier.*
- b) *That this Honorable Court may be pleased to restrain the respondents to not consider the newly present impugned SNE PS/MBR/(RS&EP)/BOR/203/2024 dated 219.11.2024 & impugned letter No.DS-II (RS&EP)/BOR/03/2025 dated 20.01.2025 wherein the post of the petitioner deleted.*
- c) *That this Honourable Court may be pleased to direct the respondents to induct the post of the petitioner in SNE as well as in Extension/summary of Retention of IT staff vide diary No.PS/MBR/ (RS&EP)/BOR/50 / 2025 dated 11.03.2025 and release the remaining salary of petitioner for the period of realization.*
- d) *That this Honourable Court may be pleased to restrain the respondents not to take any illegal action on basis of any inquiry, on the basis of fake FIRs as well as Office Inquiries.*

- e) *That this Honorable Court may be pleased to direct the respondents to restore the office of the petitioner at its original position till disposal of the above petition.*
- f) *That this Honourable court may be pleased to direct the respondents to stop harassing, humiliating the petitioner.*
- g) *Costs of the petition may be saddled upon the respondents.*
- h) *Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioner may be granted.*

2. In the instant petition, the petitioner has stated that he was appointed as “Assistant Manager/Assistant Director (Software)” on contract in the project titled “*Automation of Stamps & Registration*”, Board of Revenue, Sindh, Hyderabad”, in 2008 and has served the department for over 17 years with the legitimate expectation of regularization as extended to other similarly placed employees. Due to his outstanding performance and additional contributions to the E-Registration System, he was awarded a Certificate of Appreciation by the Minister for Revenue and Senior Member, Board of Revenue, Sindh. The petitioner approached this Court through Constitutional Petition No. D-961/2015 for regularization, which was allowed vide order dated 07.08.2024, directing the respondents to decide his matter within two months. However, instead of complying, the respondents, in dishonest revenge, initiated a baseless and fabricated inquiry, followed by a second inquiry on identical grounds, culminating in a show-cause notice that was suspended by this Court in Constitutional Petition No.12/2025 on 08.01.2025 filed by the petitioner. Despite this suspension, a false FIR was registered against the petitioner through the Anti-Corruption Establishment, Karachi, based on the same fabricated inquiry, reflecting clear *mala*

fide intent and the petitioner was granted pre-arrest bail. The petitioner further stated that the respondents initiated a modified SNE including his post via letters dated 20.09.2022 and 23.11.2022, which was returned by the Finance Department on 12.12.2022 requiring the approved PC-IV and related documents. The PC-IV (Completion Report) was subsequently submitted and approved by the Planning & Development Department in its meeting held on 14.01.2024, recommending recurring cost allocation as per rules. In a further act of hostility, the petitioner was unlawfully dispossessed from his office at Board of Revenue, Shahbaz Building, Hyderabad, in November 2024 without due process and his salaries from June 2023 to July 2024 remain withheld, unlike his colleagues. Moreover, despite submission of SNEs for 2025-26 via letters dated 19.11.2024 and 20.01.2025, the petitioner's post was deliberately excluded while others were included, causing him grave injustice, and compelling him to file the present petition.

3. We have examined the entire record available on file and have also queried the learned counsel for the petitioner regarding the maintainability of the instant petition. It appears that multiple prayers have been made in the petition, some of which have already been addressed or exhausted—specifically, the petitioner's plea for regularization of his contractual service (C.P. No.D-961 of 2915) and the challenge against the show-cause notice (C.P. No.D-12 of 2025), which has already been suspended through earlier proceedings. What remains to be adjudicated in the present petition is the impugning of the modified Schedule of New Expenditures (SNE), wherein the

petitioner's post has been excluded. This, however, pertains to the internal policy and discretion of the department. The petitioner, admittedly a contractual employee, seeks to challenge employment decisions made under an Annual Development Program (ADP) Scheme, which itself was contract-based. The advertisement annexed by the petitioner, published in the daily newspaper *Kawish* dated 31.05.2006 (available at page-25 of the Court file), clearly states that all advertised positions were purely on a contractual basis for a period of two years, though extendable. The petitioner was appointed through the same process and remained on contract for over 17 years through extensions. In this context, a serious question arises as to whether the petitioner has *locus standi* to challenge the SNE, a matter falling within the exclusive domain and policy discretion of the department and whether such challenge is maintainable under the writ jurisdiction of this Court, particularly in light of the availability of any alternative remedy by way of representation to the Department or otherwise. The learned counsel for the petitioner was unable to satisfactorily address or respond to these specific queries raised by the Court.

4. In view of the above facts and circumstances, instant petition is **dismissed in *limine*** along with pending application(s).

JUDGE

JUDGE