

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-2959 of 2023
(Zulfiqar Ali v Government of Sindh & others)

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order:- 06.10.2025

Mr. Abdul Samad Memon advocate for the petitioner.
Mr. Ali Safdar Depar, Assistant Advocate General

ORDER

Muhammad Karim Khan Agha, J: The petitioner, through this constitutional petition, is seeking directions to the Respondents 2, 3, and 4 to settle all back benefits from the date of his initial appointment and issue his seniority list based on the date of his initial appointment.

2. The Petitioner, a Sindhi Language Teacher (BS-14), began working for Respondent 2 in 2012. He was appointed temporarily with a one-year probation period, joining his post at Government Boys Secondary School No. 2, Liaquatabad, on October 24, 2012. After only eight months, the Petitioner was removed/terminated from service by Respondent 2 and Respondent 4. The core grievance of the petitioner is that the termination was carried out without a regular inquiry, a prior show-cause notice, or a termination order, allegedly in violation of Supreme Court judgments and the Ordinance 2000. The Respondents have refused to reinstate the Petitioner despite his appeals, leading him to file this constitutional petition.

3. The learned counsel for the petitioner argues that the termination was illegal and requests that this court allow the petition. The main contentions of the counsel for the petitioner are that the Supreme Court repeatedly requires a regular departmental inquiry for imposing a major penalty, which was not conducted in this case. He argued that the petitioner was appointed through a legal procedure, performed his duties, and was terminated by Respondents 2 and 3 without a regular inquiry, show cause notice, or termination order, violating the principles of natural justice and rulings of the Supreme Court. The counsel cites the case of Muhammad Nabeel Haroon, who was similarly terminated without notification, litigated the matter, and was subsequently reinstated on 26.09.2022. Based on these grounds, the counsel requests the reinstatement of the petitioner with all back benefits.

4. The Learned A.A.G., Sindh, is requesting the dismissal of the petition, arguing it is not maintainable and is based on false allegations. His key contentions are that the petitioner's case is tied to the 2012 fake/bogus appointments made for various cadres by compromising the required qualifications, criteria, and legitimate procedures. He asserts that the matter is not a simple, regular inquiry as claimed by the petitioner. The government's actions were taken in compliance with directives from the Supreme Court in C.P. No. 46 of 2018 and HRC No. 28-137 of 2022 vide order dated 21.09.2022. This process involved obtaining a four-week relaxation from the Chief Minister and completing all necessary verification processes and codal formalities. He added that the standard probationary period is one or three years, starting from the date of joining, and no exception was made for the petitioner. The A.A.G. claims the petitioner's appointment was fraudulent, and his termination was part of a legitimate process carried out under Supreme Court orders. However, he failed to produce the termination of service order.

5. We have heard the learned counsel for the Petitioner as well as learned AAG, and have perused the material available on record

6. This petition is found to be not maintainable on the sole ground of laches for the reason that the petitioner claims to have been appointed in the year 2012 and approached this Court on 6.9.2023 after a considerable period of time, as we have been informed that this Court has already disposed of an identical petition, C.P. No. D-989/2023, Riaz Ahmed & 337 others about the same 2012 fake appointments, holding that the matter was barred by laches (delay). Other identical petitions, i.e., C.P. No. D-3974 of 2023 and C.P. No. D-4466/2023, seeking relief based on the 2012 process, was also dismissed as misconceived and non-maintainable due to laches. The Supreme Court has scrutinized the 2012 appointments in C.P. No. 46 of 2018. A committee was formed, and in pursuance of Supreme Court orders dated 16-12-2021 and 21-09-2022, identical cases were examined for genuineness and compliance with advertised criteria. The Supreme Court clarified that the 212 candidates were found to be validly appointed. 69 candidates had bogus educational certificates/degrees. 652 candidates lacked the required qualifications/domiciles/PRCs at the time of appointment. 104 candidates were later cleared after the Education Department obtained a relaxation from the Chief Minister and completed codal formalities. The fact that no Review Petition was filed against the Supreme Court's decisions implies the petitioners' acceptance of the

judgment. This Court in C.P. No. D-3974/2023 clarified that the Supreme Court Orders dated 16-12-2021 and 15-09-2022 were the result of a consensus between the petitioners and the government, not a judgment or finding of the Supreme Court itself. Given the multiple dismissals of identical petitions based on laches and the comprehensive judicial scrutiny already conducted under the Supreme Court's directives, the case of the petitioner falls within the ambit of the doctrine of laches; as such, this petition is dismissed with pending application (s).

Head of the Constitution Benches

JUDGE