

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No.D-784 of 2025

Date	Order with signature of Judge
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Before;
Mr. Justice Arbab Ali Hakro;
Mr. Justice Abdul Hamid Bhurgri.

Petitioner : Javed Ahmed son of Muhammad Ramzan
Soomro, in person.

Respondents : P.O Sindh and 04 others.

Date of Hearing : ***20.11.2025.***
Date of Order : ***20.11.2025.***

ORDER

Abdul Hamid Bhurgri, J.- Through this petition, the petitioner seeks following reliefs:

- (a) Declare that the action of respondents in not issuing the joining letter to the petitioner despite a valid appointment is illegal, unlawful, discriminatory, malafide and in violation of the Constitution.
- (b) Direct the respondents to immediately issue the joining letter and reinstate the petitioner on the post of peon in the Education Department with effect from the date of his termination with all back benefits seniority, and other ancillary service rights;
- (c) Direct the respondents to act fairly and equitably and to treat the petitioner at par with other similarly placed reinstated employees.
- (d) Grant any other relief(s) which this Honourable Court may deem fit and proper in the circumstances of the case;
- (e) Award cost of the petition.

2. Petitioner present in person submits that he was appointed as a Peon in the Education Department, Government of Sindh, through Offer Letter No. AC-II/ADMN:II/194 dated 30-06-1998 issued by respondent No.5. He contends that all of a sudden, his services were verbally terminated by respondent No.2 without any lawful justification and without issuance of any notice, inquiry, or opportunity of hearing, which amounts to violation of the principles of natural justice and Article 10-A of the Constitution. He further submits that despite repeated approaches to the officials of the Education Department and higher

authorities, no heed was paid and his efforts remained fruitless. The petitioner further states that, pursuant to verbal directions of the then Chief Minister of Sindh, respondent No.2 had issued directions to Executive District Officers of various districts, including Hyderabad, Nawabshah, Sanghar and Mirpurkhas, for reinstatement of politically victimized employees, and according to him, his case is identical to those reinstated employees. It is further argued that C.P. No.D-116/2007 was allowed by this Court on 02-10-2007, whereby employees belonging to District Dadu were reinstated, and subsequently, in compliance thereof, a summary was approved by the then Chief Minister of Sindh for reinstatement of victimized employees, which according to petitioner, also included him. However, despite such approval, no action was taken in his case. He claims that out of 309 cases, 304 employees were verified and reinstated, but his name was excluded arbitrarily and without justification. He submits that for the last 27 years he has been continuously approaching the concerned authorities but to no avail, which has compelled him to file the present petition.

3. We have heard the petitioner and perused the available record. It appears that the petitioner claims to have been appointed in the year 1998 and subsequently removed from service. Although he asserts that similarly placed employees were reinstated pursuant to directions of the then Chief Minister and also under orders passed in C.P. No.D-116/2007 and C.P. No.D-721/2008, the record further reflects that out of 309 terminated employees, 304 were verified; however, the petitioner was not included in the verified list. The petitioner, despite having knowledge of such exclusion, did not avail any legal remedy in time nor has he produced any material showing timely efforts before competent fora. It is an admitted position that the present petition has been filed after an inordinate delay of 27 years, without any plausible explanation. By now, the alleged claims for reinstatement of such

employees have become past and closed transactions, and entertaining such a stale claim would unsettle settled matters after passage of more than two decades. Much water has flowed under the bridge and the doctrine of laches squarely applies to the present case. Reliance is placed on **State Bank of Pakistan through Governor and another v. Imtiaz Ali Khan and others (PLJ 2012 SC 289)**, wherein the Honourable apex Court has held as follows:-

“---Laches was a doctrine whereunder a party which may have a right, which was otherwise enforceable, loses such right to the extent of its endorsement, if it was found by the Court of law that its case was hit by the doctrine of laches/limitation---Right remains with the party, but he cannot enforce it-Limitation is examined by the Limitation Act, 1908 or by special laws which have inbuilt provisions for seeking relief against any grievance within the time specified under the law and if party aggrieved does not approach the appropriate forum within the stipulated period/time, the grievance though remains, but it cannot be redressed because if on the one hand there was a right with a party which he could have enforced against the other, but because of principle of Limitation/laches, same right then vests/accrues in favour of the opposite party.”

The Honourable Supreme Court in the case of **Jawad Mir Muhammad and others v. Haroon Mirza and others reported in PLD 2007 SC 472**, has held as under:-

“Article 199. Constitution petition. Laches. Principles. Laches per se is not a bar to the constitutional jurisdiction and question of delay in filing would have to be examined with reference to the facts of each case. Question of delay/laches in filing constitutional petition has to be given serious consideration and unless a satisfactory and plausible explanation is forthcoming for delay in filing constitutional petition, the same cannot be overlooked or ignored subject to facts and circumstances of each case”.

Likewise, in the case of **Asghar Khan and 5 others v. Province of Sindh through Home Secretary Government of Sindh and 4 others (2014 PLC (C.S) 1292)**, it was held as under:-

“We feel no hesitation in our mind to hold that the petition is hit by laches. The consideration upon which the court refuses to exercise its discretion where the petition is delayed is not limitation but matters relating to the conduct of parties and change in the situation. Laches in simplest form mean failure of a person to do something which should have been done by him within a reasonable time if remedy of constitutional petition is not availed within reasonable time the interference can be refused on the ground of laches. Even otherwise, grant of relief in writ jurisdiction is discretionary, which is required

to be exercised judiciously. No hard and fast rule can be laid down for the exercise of discretion by the Court for grant of refusal for the relief in the exercise of extraordinary jurisdiction”.

4. In view of the foregoing, the petition is hit by doctrine of laches and pertains to a past and closed transaction; therefore, the same is dismissed, along with listed applications, if any.

JUDGE

JUDGE

Irshad Ali M/Steno