

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. D - 5651 of 2025

Date	Order with signature(s) of Judge(s)
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Direction

1. For orders on CMA No.1259/2026
2. For orders as to maintainability of petition

29.01.2026

Mr. Ahmed Ali Gabol, Advocate along with the petitioner.

MUHAMMAD SALEEM JESSAR, J : Through this petition, the petitioner has sought the following reliefs:

1. Declare the appointment and promotion of Respondent No. 04 as Assistant Social Welfare Officer (BPS-15) as illegal, unlawful, void ab initio, and without lawful authority, being in violation of the Sindh Civil Servants Act, 1973, the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, and other applicable rules and procedures;
2. Declare that the inclusion of Respondent No.4 in the seniority and promotion lists without lawful recruitment process and Departmental Promotion Committee (DPC) approval fraudulent, manipulated, and non-est in the eyes of law;
3. Declare that the exercise of Drawing and Disbursing officer (DDO) powers by Respondent No.04 was without lawful authority and in gross violation of financial rules and regulations, resulting in misappropriation and loss to the public exchequer;
4. Direct the competent authorities, including the Respondents No.01 to 03 to initiate an impartial inquiry and take appropriate legal, disciplinary, and penal action against Respondent No. 04 and all officials found involved in the illegal appointment, manipulation of official records, and misuse of authority;
5. Direct the respondent No.03 that all the salaries, benefits, and financial emoluments unlawfully drawn by Respondent No. 04 be recovered and respondent No.1 initiate appropriate criminal proceedings for forgery, fraud, and misuse of public funds against the respondent No.04;

6. Declare all acts, decisions, and appointments facilitated by Respondent No. 04 through the misuse of DDO powers as void, without lawful authority, and order the cancellation of illegal appointments that respondent No 04 if so done during his tenure.
7. Grant any other relief (s) deemed just, fair, and appropriate in the circumstances of the case, including costs of these proceedings.

2. Learned counsel for the petitioner submits that respondent No.4 was taken into service without any advertisement and adopting due course of law, therefore, his appointment is illegal and without any lawful authority. He prayed for issuance of writ in nature of *quo warranto*.

3. Heard arguments and perused the material available on record.

4. Perusal of the record reveals that the respondent No.4 was appointed as Assistant Social Welfare officer in the Social Welfare Department in the year 2009 and since then he has been working in the department. It transpires that respondent No.4 along with other employees filed a petition being C.P. No. D-2056 of 2009 before this Court for release of salaries. The said petition was allowed vide order dated 18.10.2010. The respondent department in the said petition also taken the similar stance that the respondent and the other employees had been appointed by the Government of Sindh without advertisement. The Court did not pass any adverse order against the petitioners in the said CP. The petitioner has taken almost identical grounds though period of about 17 years since the appointment of respondent No.4 has elapsed but the department has not observed any flaw in the appointment.

5. To lay the claim for issuance of writ of *quo warranto*, the petitioner has to satisfy, inter alia, that the office in question is a public office and it is held by usurper without lawful authority and the petitioner is not having any special kind of interest against the alleged usurper and he being a member of the public was acting under bonafide. Once this junction is crossed, then the Court will proceed further to make an inquiry as to whether the appointment of the alleged usurper has been made in accordance with the law or not. A writ of *quo warranto* is maintained to settle the legality of holder of a statutory or commercial office and to decide whether he was holding such public office in accordance with the law or against the law.

6. When confronted as to how the petitioner was aggrieved and in what manner any of the rights of the petitioner were infringed upon. Counsel for the Petitioner argued that Petitioner was lawyer by profession and issue agitated by him related to good governance which is the fundamental right of an individual. No doubt good governance and rule of law are the basic requirements of a society to flourish, but petitioner has failed to demonstrate that how the appointment of respondent No.4 resulted in bad governance. The filing of the instant petition demonstrated the interest of the relator that he intended to pressurize the appointee for his personal interest, as has been usually complained by the members of society. The petitioner has failed to demonstrate his bona fide for filing of writ petition for the enforcement of good governance.

7. Petitioner, through this petition seeks rectitude of actions taken by the Government authorities, for that purpose he has to demonstrate his honesty and fairness for filing of the petition, least to say that choice to invoke the equitable writ jurisdiction of court must demonstrate the aforementioned moral compass. Honorable Supreme Court and this Court have unanimously held that for issuance of writ of quo warranto it must be established that the holder of public office suffered from the prescribed qualification, the appointing authority was not a competent authority to make the appointment and the prescribed procedure of law was not followed. The Petitioner has failed to point out any illegality or perversity in the appointment of respondent No.4 warranting for issuance of a writ in nature of quo warrant.

8. In the wake of above discussion the instant petition fails and is accordingly dismissed along with pending application(s) if any.

**JUDGE
HEAD OF CONST. BENCHES**

JUDGE