

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D – 5478 of 2026
(Arshad Ali Qureshi versus Province of Sindh & others)

DATE	ORDER WITH SIGNATURE OF JUDGES
	Mr. Justice Adnan-ul-Karim Memon Mr. Justice Muhammad Jaffer Raza

Date of hearing & orders: 04.09.2026

Mr. Munawar Ali, Advocate for the Petitioner.
Mr. Ali Safdar Depar, AAG.

ORDER

Adnan-ul-Karim Memon, J. The petitioner has filed this Constitutional Petition under Article 199 of the Constitution, challenging the suspension order dated 01.06.2026.

2. Petitioner claims to have been appointed as Transport Officer (BPS-17) and, after submitting his joining report, was posted at Town Municipal Corporation, Saddar, District South, Karachi, vide order dated 28.03.2024. His grievance is that he was subsequently suspended without assigning any reason during training, issuing a show-cause notice, or providing an opportunity of hearing. He therefore seeks setting aside of the suspension order, release of his withheld salary and admissible service benefits, and, if disciplinary proceedings are warranted, a direction to the competent authority to proceed strictly in accordance with the applicable Efficiency and Discipline Rules after communicating specific allegations and affording him a fair opportunity of defence. He further seeks a lawful posting commensurate with his substantive post.

3. Learned AAG opposes the petition and submits that the suspension order dated 01.06.2026 cannot be declared unlawful merely on the ground that no prior show-cause notice or opportunity of hearing was afforded to the petitioner. Suspension is ordinarily an interim administrative measure intended to facilitate a fair and effective departmental inquiry and does not, by itself, amount to a punishment or determination of guilt. Therefore, the principles of natural justice applicable to a final adverse order cannot necessarily be invoked at the stage of suspension. It is further submitted that the petitioner has an adequate remedy before the competent departmental authority under the applicable service and disciplinary rules, particularly where the matter concerns his service status, posting, salary and proposed disciplinary action. He added that the constitutional jurisdiction of this Court is not intended to substitute the statutory departmental process unless the impugned action is shown to be patently without lawful authority, mala fide or in

violation of a mandatory legal provision. He added that the petitioner has also not demonstrated that the suspension order was passed by an incompetent authority or that the same was actuated by mala fide. Mere absence of reasons in the suspension order, by itself, does not render the order void, particularly when the competent authority may lawfully suspend an employee pending consideration/inquiry of allegations or administrative proceedings. As regards the claim for release of salary and service benefits, the same is consequential to the petitioner's service status and cannot be determined in isolation from the applicable service rules and the outcome of any departmental proceedings. Likewise, the prayer for a particular or lawful posting does not confer upon the petitioner an enforceable right to insist upon a posting of his choice, as posting and transfer ordinarily fall within the domain of the competent administrative authority. It is, therefore, submitted that the petitioner has failed to establish any violation of a fundamental or legal right warranting interference under Article 199 of the Constitution. He submits that if the competent authority initiates disciplinary proceedings, the petitioner shall be entitled to all procedural safeguards available under the applicable Efficiency and Discipline Rules. The petition, being premature and without lawful basis, is liable to be dismissed.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. It appears that the petitioner, an officer of CUG Service (Admin Branch), while working as Under Training Transport Officer at Town Municipal Corporation, Saddar, District South, Karachi, was placed under suspension with immediate effect vide order dated 01.06.2026 on the basis of a report of the Director (Administration), alleging that he remained absent from official duties during training as pointed out without prior intimation or approval of the competent authority, thereby committing misconduct and negligence in the discharge of his official responsibilities.

6. In our view, suspension is ordinarily an interim administrative measure and is intended to facilitate an impartial inquiry and to ensure that the employee does not prejudice or obstruct the departmental proceedings. It does not, in itself, constitute a finding of guilt or a final punishment. Therefore, the requirement of a prior hearing applicable to a punitive or final adverse order cannot invariably be imported into an order of suspension.

7. However, the position is materially different as the suspension is not followed by any disciplinary action on the basis of the allegations referred to in the suspension order. The allegation of unauthorized absence and negligence constitutes a matter requiring determination through the prescribed disciplinary process. Prima-facie, the petitioner cannot be treated as guilty merely based on the

report of the Director (Administration), nor can any penalty or other civil consequence be imposed upon him without communicating the specific allegations and affording him a meaningful opportunity to submit his defence. The principles of natural justice, including *audi alteram partem*, require that before any adverse or punitive action is taken, the competent authority must provide the petitioner with the allegations/material forming the basis of the proposed action and reasonable opportunity of hearing in accordance with law.

8. It is, therefore, appropriate to order for releasing of his salary for the intervening period forthwith; however, it is made clear that suspension from service it operates as an interim administrative measure, subject to the competent authority taking further action strictly in accordance with the applicable Efficiency and Discipline Rules. It is further clarified that the competent authority shall independently examine the allegations and the petitioner's defence and shall pass a reasoned and speaking order in accordance with law if his case for willful absence is made out.

9. As regards the prayer for posting, no employee possesses an indefeasible right to a particular place of posting; such matters ordinarily fall within the discretion of the competent administrative authority. Nevertheless, such discretion must be exercised lawfully, for proper administrative purposes and in accordance with the petitioner's substantive status and the applicable service rules.

10. In view of the foregoing, without touching the merits of the case, the impugned order shall not be acted upon and the competent authority shall proceed strictly in accordance with the applicable Efficiency and Discipline Rules and decide the matter independently concerning the allegations levelled in the impugned order, without being influenced by the fact of suspension or by any observation contained herein.

11. Subject to the above observations and directions, this petition is disposed of. There shall be no order as to costs.

JUDGE

JUDGE