

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-4055 / 2026

(Hassan Ali Khan Vs. Provincial Ombudsman Sindh & Others)

Along with

C. P. NO. D-4859 / 2026

(Shahid Bashir Vs. Provincial Province of Sindh & Others)

C. P. NO. D-4860 / 2026

(Muhammad Sheeraz Vs. Provincial Province of Sindh & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing and order:- 07.09.2026.

Mr. Choudhry Atif Rafiq, Advocate for Petitioner
in C. P. No. D-4055/2026.

Mr. Rafiq Ahmed Baloch, Advocate for Petitioner in
C. P. No. D-4859/2026 and for Respondent No. 4, 5 & 9
in C. P. No. D-4055/2026.

Mr. Muhammad Uzair Shaikh, Advocate for Petitioner
in C. P. No. D-4860/2026.

Mr. Zohaib Sarki, Additional Advocate General.

Mr. Tauqeer Anwar, Advocate for Respondent No. 1 & 2.

Adnan-ul-Karim Memon, J. The petitioner in C.P. No. D-4055/2026 challenged the order dated 11.06.2026 passed by the learned Provincial Ombudsman Sindh, whereby his application for deletion of his name from Complaint No. 112(SUK)2025 was dismissed.

2. It was contended that the Ombudsman lacked jurisdiction as the petitioner's company was a trans-provincial organization, that the complainant was an employee of M/s Sony Contractor rather than the company, and that no allegation of harassment was made against the petitioner personally. It was further argued that the company was a separate legal entity and that an inquiry conducted by the complainant's employer had already dismissed the allegations, against which no appeal was filed. He pointed out that during the pendency of this petition, the complainant, Ms. Faiza Mumtaz, expressed her voluntary intention to withdraw the said complaint, extract whereof is reproduced as under: -

It is most respectfully submitted that the Petitioner seeks permission to withdraw the instant petition in view of the subsequent development in Complaint No. 112(SUK)2025, titled "Mst. Versus Faiza & Sheeraz Muhammad Others," pending before the learned Provincial Ombudsman, wherein, the Complainant has submitted a statement before the learned Provincial Ombudsman expressing her voluntary intention to withdraw the said complaint.

In view of the aforesaid development, the Petitioner most respectfully submits that the instant petition may graciously be permitted to be withdrawn, so as to enable the learned Provincial Ombudsman to proceed with the matter and pass appropriate orders accordingly as this Honourable Court, vide Order dated 04-08-2026, the learned Provincial Ombudsman was restrained from passing any final judgment or order in the matter during the pendency of the instant petition.

In view of the subsequent withdrawal of the complaint by the Complainant, the Petitioner now seeks permission to withdraw the instant petition. so that the learned Provincial Ombudsman may pass appropriate orders in accordance with law.”

3. In view of this subsequent development and the terms of the statement of the complainant, Ms. Faiza Mumtaz, as discussed supra, all the petitioners have sought permission to withdraw the instant petitions so that the learned Provincial Ombudsman Sindh could proceed on the application of the complainant for withdrawal of the complaint in accordance with law.

4. Learned AAG, assisted by the learned counsel for the Provincial Ombudsman and other respondents, did not object to the aforesaid proposition.

5. We have heard the learned counsel for the parties present in court and have perused the record with their assistance.

6. In view of the subsequent development that the complainant, Ms. Faiza Mumtaz, has voluntarily expressed her intention to withdraw Complaint No. 112(SUK)2025, the controversy which initially gave rise to the instant constitutional petitions has materially altered. The principal grievance of the petitioners was directed against the continuance of proceedings before the learned Provincial Ombudsman and the order declining deletion of the petitioner's name from the complaint. However, once the complainant herself has sought withdrawal of the underlying complaint, no effective or useful purpose would be served by this Court entering into the merits of the objections regarding jurisdiction, maintainability, personal liability of the petitioner, or the evidentiary value of the departmental inquiry at this stage.

7. It is a settled principle of constitutional jurisdiction that this Court does not ordinarily adjudicate an academic or infructuous controversy where, by reason of a subsequent event, the substratum of the dispute has ceased to survive. The subsequent voluntary statement of the complainant prima facie constitutes a material change in circumstances and directly affects the continuation of the proceedings before the learned Provincial Ombudsman. Moreover, the order dated 04.08.2026, whereby the learned Ombudsman was restrained from passing a final order during the pendency of these petitions, was passed in the context of the then-existing controversy. With the complainant now seeking withdrawal of the complaint, the appropriate course for this Court is to permit the statutory forum to consider such request and pass an order strictly in accordance with law.

8. At the same time, permitting withdrawal of the petitions does not amount to an adjudication or affirmation of the petitioners' objections regarding the jurisdiction of the learned Provincial Ombudsman, nor does it validate or invalidate the allegations contained in the complaint. Those questions need not be

examined in the changed circumstances, particularly when the complainant herself no longer seeks to pursue the proceedings under the law. The learned Provincial Ombudsman, being the competent statutory forum seized of the complaint, is therefore required to deal with the complainant's request for withdrawal in accordance with the applicable law and after satisfying itself as to the legal consequences thereof.

9. Since the learned AAG, assisted by learned counsel for the Provincial Ombudsman and the other respondents, has raised no objection to the course proposed by the petitioners, and no prejudice is shown to be caused to any party by permitting the withdrawal, there remains no compelling reason for this Court to retain the constitutional petitions for determination on merits. The ends of justice would, therefore, be adequately met by permitting the complainant to pursue her request for withdrawal before the learned Provincial Ombudsman and leaving all questions of law and fact open for consideration by the said forum in accordance with law subject to final say by the complainant in her statement for withdrawing the complaint voluntarily without any pressure.

10. Accordingly, with the consent of the parties and without touching the merits of the case and in view of the subsequent voluntary withdrawal sought by the complainant, the complaint is permitted to be withdrawn, subject to its acceptance and consequential orders by the learned Provincial Ombudsman Sindh in accordance with law.

11. The instant constitutional petitions are accordingly disposed of in the above terms.

Office to place a copy of this order in the connected matters.

J U D G E

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Arshad/