ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No.D-6199 of 2026
(Nasir Anwar vs Divisional Superintendent P.R and others)

DATE	**ORDER WITH SIGNATURE OF JUDGE**

Present:-

Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada'.

For order on office objection No.1 & 8
For hearing of main case

21.10.2026.

Mr. Amanullah Soho, Advocate for the Petitioner.

Mr. Shah Hussain Deputy Attorney General

Mr. Sajjad Ali Assistant Director (Legal) Pakistan Railways

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ORDER

Ali Haider 'Ada', J.- Through the instant petition, the petitioner, who is serving as a Permanent Way Inspector in Pakistan Railways, has challenged the letters dated 04.09.2026 and 21.09.2026, whereby he was directed to appear before the Inquiry Committee in connection with the allegations of prolonged absence from duty.

2. The relevant facts, as set out in the petition, are that the petitioner claims to have rendered 38 years of service in Pakistan Railways. Despite being on the verge of retirement, he was transferred from Karachi to Mirpurkhas vide order dated 30.05.2026. The said transfer order was challenged by him before the Federal Service Tribunal, Islamabad, which passed an interim order in his favour on 18.06.2026. According to the petitioner, the respondents failed to comply with the said order. Subsequently, FIR No. 59/2026 was

registered against the petitioner and others at Police Station Railways Police, Cantt. Karachi, for offences punishable under Sections 161, 420, 468 and 471 PPC, read with Section 5(2) of the Prevention of Corruption Act. It is further mentioned that the petitioner has filed C.P. No. D-4513/2026 before this Court, seeking quashment of the said FIR, which is still pending adjudication.

3. Learned counsel for the petitioner submits that, during the pendency of the criminal proceedings, the respondents issued the impugned letters dated 04.09.2026 and 21.09.2026, whereby departmental proceedings were initiated against the petitioner on the allegation of prolonged absence from duty. He contends that the initiation of such proceedings amounts to harassment and humiliation, particularly when the petitioner has already approached this Court for quashment of the FIR. He further submits that the departmental proceedings have been initiated without obtaining the requisite permission from the competent superior authority and are intended to victimize the petitioner for having challenged his transfer before the Federal Service Tribunal. According to learned counsel, the registration of the FIR and the initiation of departmental proceedings constitute part of a concerted effort to penalize the petitioner for seeking legal redress. The petitioner's primary prayer is for suspension of the impugned letters issued for the purpose of initiating an inquiry until the disposal of his appeal pending before the Federal Service Tribunal.

4. Conversely, learned Deputy Attorney General, while placing on record the comments filed on behalf of the respondents, submits that the instant petition is not maintainable, as the petitioner seeks suspension of the departmental proceedings pending the decision of his service appeal before the Federal Service Tribunal. He points out that the said appeal has already been disposed of by the Tribunal,

with a direction to the competent authority to pass a speaking order on the petitioner's representation concerning his transfer. He further contends that departmental proceedings may lawfully continue alongside criminal proceedings and that the pendency of the latter does not, by itself, warrant suspension of the former. He, therefore, submits that, in view of the disposal of the service appeal, the instant petition has become infructuous and is liable to be dismissed.

5. Heard learned counsel for the parties and perused the available record.

6. At the very outset, the record reflects that the petitioner has approached this Court on the premise that his appeal against the transfer order was pending adjudication before the Federal Service Tribunal. However, the said appeal had already been disposed of by the Tribunal vide order dated 17.09.2026, whereby the competent authority of Pakistan Railways was directed to pass a speaking order on the petitioner's representation. It is pertinent to note that the instant petition was instituted on 24.09.2026, i.e., after the disposal of the said appeal. Thus, the premise of the petition, insofar as it rests upon the pendency of the service appeal, no longer subsists.

7. It is a settled principle of law that criminal and departmental proceedings operate in distinct spheres and may ordinarily proceed simultaneously. The mere pendency of criminal proceedings does not, by itself, constitute a legal bar to the initiation or continuation of departmental proceedings. Accordingly, the petitioner's contention that the departmental proceedings ought to be suspended merely on account of the pendency of the criminal proceedings does not furnish sufficient ground for interference by this Court. Likewise, the mere pendency of a separate constitutional petition seeking quashment of the FIR does not, in the absence of any specific legal impediment, justify the suspension of the impugned

letters or restrain the respondents from proceeding in accordance with law.

8. The constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, is exercised in accordance with settled principles of judicial review. In the present case, the petitioner has failed to establish, on the basis of the material available on record, any illegality, jurisdictional defect or violation of law warranting interference with the impugned letters. The mere allegation that the departmental proceedings have been initiated to harass or victimize the petitioner, without sufficient supporting material to substantiate such assertion, does not warrant the exercise of constitutional jurisdiction in his favour.

9. For the foregoing reasons, the instant petition, being devoid of merit, is hereby dismissed, along with the pending application(s), if any.

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