IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No.D-3532 of 2026.
(Mansoor vs Province of Sindh and others)

Present:

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

For order as to maintainability of petition as per order dated 05.10.2026

21.10.2026

Mr. Omer Soomro, Najiullah Siddiqui and Abdul Haseeb Qazi Advocates for the Petitioner

Mr. Abdul Jalil Zubedi Additional Advocate General Sindh.

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ORDER

Ali Haider 'Ada', J.- Through the instant petition, the petitioner has assailed the final show-cause notice dated 20.05.2026 and sought a direction for conducting a regular inquiry into the allegations levelled against him. The petitioner, while serving as District Food Controller, was served with the said notice in connection with the alleged embezzlement /misappropriation of wheat. Although the petitioner submitted his reply to the notice, he apprehended that coercive action might be taken against him without conducting a proper inquiry.

2. Learned counsel for the petitioner submits that the petitioner, while serving as District Food Controller, was not involved in any embezzlement or misappropriation of wheat and that the impugned final show-cause notice was issued without any lawful justification and with mala fide intent. He further contends that the petitioner is entitled to equal treatment in accordance with Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973.

3. Conversely, learned Additional Advocate General Sindh has placed on record the order dated 19.06.2026 and submits

that, pursuant to the issuance of the final show-cause notice, an inquiry was conducted, which culminated in the passing of the order by the competent authority. He further submits that the competent authority, upon conclusion of the inquiry, found the allegations of misappropriation proved against the petitioner. Therefore, the challenge to the final show-cause notice has become infructuous, particularly when no restraining order was passed by this Court prohibiting the respondents from concluding the inquiry. Accordingly, he contends that the instant petition has become infructuous.

4. Heard learned counsel for the parties and perused the record.

5. At the outset, it appears from the record that the final show-cause notice was issued to the petitioner, who submitted his reply thereto. The material available at page 247 of the Court file further reflects that the concerned authority visited the Provincial Recruitment Centre and Wheat Procurement Centre, whereupon an inspection and verification report was also prepared. The proceedings ultimately culminated in the passing of the order dated 19.06.2026 by the competent authority.

6. Even otherwise, the legal position regarding show-cause proceedings is well settled. A tentative view formed by the competent authority at the stage of issuance of a show-cause notice does not constitute a final decision, and any subsequent correction of such view during the show-cause proceedings does not amount to a review of a prior decision. The tentative view forming the basis of a show-cause notice ultimately merges into the final decision rendered upon conclusion of the proceedings. Reliance in this regard is placed upon the case of **Pakistan Tehreek-e-Insaf (PTI) through Additional Secretary General versus Election Commission of Pakistan and another, reported as PLD 2024 Islamabad 1 (Full Bench).**

7. In view of the foregoing, the petitioner's grievance regarding the issuance of the final show-cause notice and the apprehended action without conducting a proper inquiry has undergone a material change, as the proceedings have already culminated in a final order. The legality and validity of the order dated 19.06.2026, including any grievance regarding the manner in which the inquiry was conducted or the findings recorded therein, may constitute a separate ground for challenge in accordance with law.

8. Since the impugned show-cause notice has already served its purpose and no longer operates independently of the concluded proceedings, no effective relief can be granted in respect of the said notice in isolation. Accordingly, this Court refrains from examining the legality of the show-cause notice at this stage, leaving the petitioner at liberty to avail an appropriate remedy against the final order, in accordance with law.

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

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