

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD,
C.P. No D-971 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

16.12.2025

Mr. Jaleel Ahmed Memon, Advocate for petitioner
Mr. Arbab Ali Zardan, Advocate
Mr. Rafique Ahmed Dahi Assistant Advocate General Sindh
Mr. Kamaluddin, advocate for respondents
=

This petition was disposed of vide order dated 16.08.2022, an excerpt of the said order is reproduced herein below:-

*“6. First we would like to address the objection regarding the maintainability of this Petition The Quaid-e-Awam University of Engineering, Science and Technology (QUEST), Nawabshah is a Public Sector University, in terms of the QUEST, Act, 1996, besides respondent-University is a Body Corporate performing functions in connection with the affairs of Province. The functions of University have an element of Public Authority hence; the same is amenable to Writ Jurisdiction. In this view of the matter the status of Respondent-University can ordinarily be regarded as a "person" performing functions in connection with the affairs of Province within the meaning of Article 199 (1) (a) (ii) read with Article 199 (5) of the Constitution. The test laid down by the Honorable Supreme Court in Paragraph 50 of the judgment rendered in the case of **Pakistan Defense Housing Authority & others vs. Lt. Col. Syed Jawaid Ahmed (2013 SCMR 1707)** is fully applicable to the instant Petition, therefore, this Petition is maintainable under Article 199(5) of the Constitution and the objection in this regard is hereby overruled. As far as the objection of Learned Counsel for respondent-University on the issue of statutory and non-statutory rules is concerned in similar circumstances in respect of statutory or non-statutory Rules of the University, the Hon'ble Supreme Court of Pakistan has taken into consideration the above-referred proposition in the case of **Rector National University of Science and Technology (NUST) Islamabad and others v. Driver Muhammad Akhter rendered in Civil Appeal No.495 of 2010 decided on 28.04.2011.***

*7. It is also settled law that Courts ordinarily refrain from interfering in the policymaking domain of the Executive of the Public Sector Universities, until and unless the same offends the fundamental rights of the parties. More particularly, in the light of the ratio of the latest judgment of the Honorable Supreme Court in the case of **Khyber Medical University, etc. vs. Aimal Khan, etc.** vide order dated 4.1.2022 passed in Civil Petition No.3429 of 2021. However, in the present case, the petitioner claims immunity in the terms of his appointment letter, which explicitly show that he was simply appointed as Assistant Professor-BS-19 (English) in the **Quaid-e-Awam University of Engineering, Science and Technology, Nawabshah, and not***

for Campus, Larkana. Prima-facie the recommendation of Vice Chancellor to exercise emergency powers under the Act, 1996 to transfer the petitioner from the main University to Campus is not binding upon the Syndicate. However, in the present case the transfer order of the petitioner has not been placed before the Syndicate for approval, which is apathy on the part of Vice-chancellor despite lapse of two years. On the aforesaid proposition, we are guided by the decision of the Honorable Supreme Court in the case of Dr. Habibullah (PLD 1973 SC 144).

8. We have found that prima-face there is a manifest discrepancy in the decision of Vice Chancellor requiring our attention. Even we see substance in the submission of petitioner for the reason that he was required to serve in the respondent university and not Campus in terms of appointment letter as discussed supra As petitioner could not be posted out to other Campus under the garb of exigencies of services, as such, the transfer order of petitioner could neither be justified on the plane of policy directive of respondent-university nor the same was/is sustainable in terms of section 28 of (iv) and (x) of the Act, 1996

9. As a result of the above discussion, this petition is allowed in the terms that the impugned transfer order dated 31.8.2020 issued by the respondent-Quaid-e Awam University of Engineering Science and Technology Nawabshah is set aside for the reasons discussed in the preceding paragraphs, pending applications are also disposed of accordingly in the meanwhile issue of salary of the petitioner for intervening period shall be deposited by the competent authority within two weeks.

10. These are the reasons for our short order dated 16.8.2022 whereby we have allowed the instant petition."

Thereafter, in compliance with the order dated 13.11.2025, a statement dated 16.12.2025 has been filed on behalf of the Vice-Chancellor, respondent-University, an excerpt whereof is reproduced as under:-

"In compliance of the Orders/Directions of the Honourable High Court of Sindh, Circuit Court, Hyderabad contained in order C.P. No. D-971 of 2020 dated: 13.11.2025, it is also respectfully submitted that salary for the period of 01-09-2020 to 25-11-2020 is already paid to the petitioner vide bearing Cheque, No. 94642091 dated 20-12-2022, Amounting Rs. 3.463,36/- (Three Lac forty-six Thousand three hundred thirty-six only). It is further respectfully submitted that the Cheque vide No. 1213717954 dated. 12-12-2025 amounting Rs 3.152.229/- (thirty-one Lac fifty-two Thousand two Hundred Twenty-Nine only) of salary of the petitioner Mr. Ali Asghar Chandio of remaining Period w.e.f 26-11-2020 to 05-07-2022 is submitted herewith.

Therefore, the same is hereby produced in the honorable high Court of Sindh Circuit Hyderabad with the request that same may be handed over to the petitioner."

Learned counsel for the respondent-University submits that the salary for the period from 01.09.2020 to 25.11.2020 has already been paid to the petitioner vide Cheque No. 94642091 dated 20.12.2022, amounting to Rs. 346,336/- (Rupees Three Lac Forty-Six Thousand Three Hundred Thirty-Six only). He further submits that the salary for the remaining period from 26.11.2020 to 05.07.2022, amounting to Rs. 3,152,229/- (Rupees Thirty-One Lac Fifty-Two Thousand Two Hundred Twenty-Nine only), has been paid through Cheque No. 1213717954 dated 12.12.2025, which has been handed over to the petitioner, who is present before the Court along with his Learned counsel.

However, Learned Counsel concedes that a certain remaining amount is still outstanding and has yet to be paid to the petitioner. Accordingly, the respondents are directed to submit a detailed breakup of the remaining payable amount on the next date of hearing.

To come up on 26.01.2026.

Judge

Judge