

IN THE HIGH COURT OF SINDH AT KARACHI
CP. No. D-7430 of 2018
Syed Adnan Zaidi v MD Waer & Sewerage Board & others

Date	Order with signature of Judge
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul-Karim Memon

Date of hearing and Order: 29.05.2025

Mr. Abdul Samad Khattak advocate for the petitioner.
Mr. Masroor Hussain advocate for respondent No.2 along with Ghazanfar Ali,
Director Personal KW&SB.
Mr. Ali Safdar Depar Assistant Advocate General.

ORDER

Adnan-ul-Karim Memon, J: The Petitioner is primarily requesting this court to declare the respondents' past and ongoing actions and omissions as illegal, unlawful, and void from the outset. Additionally, he seeks a direct order compelling the respondent to immediately release all unpaid salaries accumulated from May 2016 through the present.

2. Syed Adnan Zaidi, the Petitioner, asserts that he was appointed as a Sub Engineer in 2008 and diligently performed his duties, initially in New Karachi Town and later on deputation to Orangi Division. He highlights his role as Incharge of the Disconnection Team from October 2016. The Petitioner states that in October 2015, he reported an illegal commercial marriage hall operating with multiple unauthorized water connections. His proactive efforts extended to lodging FIRs and disconnecting numerous illegal connections, even participating in operations alongside Pak Rangers. In August 2017, he facilitated an arrest and FIR following a tip about another illegal connection and also submitted a list of individuals involved in such activities. Petitioner alleges that his actions against the illegal marriage hall led to a "counterblast" complaint being filed against him. Subsequently, his salary was stopped by Executive Engineer Wasiq Ishfaq Hashmi on May 15, 2016. He claims that his superiors, Superintendent Engineer Ghulam Muhammad and Executive Muhammad Shahid, demanded a 25% cut of his due salary to process his payments, a demand he refused. His subsequent complaint to the Anti-Corruption Department regarding this issue, he states, resulted in his attendance marking being halted. Despite consistently and punctually performing his duties since May 2016, the Petitioner's salary has remained unpaid, causing severe financial distress and preventing him from repaying a bank loan. He submitted that honest employees like himself are vulnerable to corrupt elements within the department. He further emphasizes his dedication by citing instances where he actively helped generate revenue for the department by encouraging residents to pay bills and bear pipeline installation costs. The Petitioner highlights his various unsuccessful attempts to resolve the salary issue, including submitting applications, a legal notice, and a departmental appeal. He also points out that his deputation as a Presiding Officer in

the 2018 elections confirms the respondent's acknowledgment of his employment, despite their refusal to pay his salary.

3. The Petitioner's counsel argues that his client has been unlawfully deprived of service benefits and victimized by criminal elements, which constitutes a violation of fundamental rights guaranteed under Articles 4 and 8 of the Constitution of Pakistan. He asserts that there is no other effective legal remedy available. He emphasized that the Petitioner is a victim of corruption and retaliation for his honest work. While acknowledging the Enquiry Committee largely dismissed his client's claims and found evidence of his own alleged misconduct, the counsel highlighted that the central issue remains the stoppage of salary and mutual allegations of corruption. He ultimately prayed for the petition to be granted.

4. The respondent's counsel presented the Enquiry Committee's findings, established on November 24, 2023, to investigate both allegations against Karachi Water & Sewerage Board Corporation (KW&SC) officers and the petitioner's unpaid salary. The counsel affirmed the petitioner's 2008 appointment as a Sub Engineer, initially in New Karachi Town, then deputed to Orangi Division. He highlighted multiple complaints against the petitioner: Asharfi Azam's January 2016 complaint alleging demands for illegal water connection regularization fees (Rs. 50,000) and residential-to-commercial conversion fees (Rs. 10,000), referred to the Anti-Corruption Establishment (ACE); and Jameel Ahmed's complaint concerning a demand of Rs. 330,000 for providing 200 water connections, referred to the Ombudsman. The petitioner was suspended on February 27, 2018, with the suspension extended until the ACE investigation concluded. Though ACE referred complaints back to KW&SC in May 2019, Asharfi Azam withdrew his complaint in September 2019, and the Ombudsman closed the case in January 2021. Regarding salary, the counsel stated that the petitioner's attendance was not sent after his June 2016 return to his parent division, and his salary was stopped in October 2020 due to unauthorized absence, despite a belated leave application. Crucially, the Committee noted the petitioner's suspension from February 2018 to February 2021, and while he has received regular salary since March 2021, no formal reinstatement order exists. Forty-nine months of salary were withheld due to attendance issues or suspension. The Committee also noted negligence by the North Karachi Division's Head Clerk/Bill Clerk in not pursuing attendance certificates. The counsel emphasized that the petitioner failed to provide evidence for his bribery allegations against superiors, which supervisors denied as a "counterattack." The Committee cited the petitioner's own admission of receiving Rs. 90,000 cash and two Rs. 100,000 cheques for unauthorized water line work, deeming it "MISCONDUCT" and "abuse of authority" for personal gain, questioning his ability to fund office renovations without legitimate sources. He submitted that the commercial use of residential plots was already reported and addressed, and 36" diameter illegal connections fell under a different division. The Executive Engineer of North Karachi denied demanding a

percentage of salary, explaining bill preparation depends on attendance. In conclusion, the counsel asserted the petitioner was guilty of misconduct for abusing his authority and conducting unauthorized works for personal financial gain, deeming his allegations unfounded. He reiterated that while the petitioner has received salary since March 2021, no reinstatement order is on record, and salary was withheld for specific periods due to attendance issues and suspension. The counsel prayed for the petition's dismissal.

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

6. The petition primarily articulates grievances concerning the non-payment of his salary and claims of victimization related to his anti-illegal water connection activities. Appended to this petition is an "Enquiry Committee Report," generated by KW&SC, which outlines the findings of its investigation into the aforementioned allegations.

7. The Petitioner's claim for full salary from 2016 is partially tenable under the law. It is well settled that the Public servants under suspension are generally entitled to a subsistence allowance. Given the Petitioner's suspension from February 2018 to February 2021, and the absence of a formal punishment despite misconduct allegations (some of which were withdrawn), his claim for back wages, particularly during suspension, has strengthened his case. A mere salary stoppage without a formal disciplinary order is not a recognized punishment. If he can prove he performed work during unpaid, non-suspension periods, he is also entitled to that salary. Conversely, the respondent cites attendance issues and unauthorized absence (October 2020) for salary withholding. The Enquiry Committee's findings of misconduct and abuse of authority (e.g., unauthorized financial dealings for water line work) could justify his suspension and argued against full back benefits, even without a formal penalty. The lack of a formal reinstatement order, despite his salary resuming in March 2021, adds complexity. Given these intricacies, and because the Petitioner is still working for the respondent department without a formal punishment for the alleged misconduct, judicial propriety dictates remitting the matter to the competent authority for a fresh decision on the Petitioner's salary issue as discussed supra.

8. In light of these facts, this court direct the competent authority of the respondents to re-inquire into the Petitioner's status and if no formal punishment was ultimately awarded for the purported misconduct, his salary will be released, subject to verification of his service record. This process must be completed within three months.

9. This petition stands disposed of in the aforesaid terms.

JUDGE

Head of the Const. Benches: