

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4191 of 2025

[Shabbir Ahmed & others v Province of Sindh and Others]

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Hasan Akbar

Date of hearing and Order: 20.05.2026

Mr. Malik Naeem Iqbal, advocate for the Petitioners.
Mr. Abdul Jalil Zubedi, Addl. A.G along with
Ada Muhammad Memon, Chairman of the Municipal Committee Thatta

ORDER

Adnan-ul-Karim Memon, J. – Petitioners have filed this Constitution Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking the following relief:-

- i) *Direct the Respondent No.2 to release the unpaid salaries of the petitioners to date;*
- ii) *Restrain the respondents from taking any action against the petitioners, except in accordance with the law;*
- iii) *Grant any other relief which is deemed fit and proper in the circumstances of the case.*

2. The case of the petitioners is that they are regular employees of TMC Thatta, serving as Beldars and Sanitary Workers (BPS-01/02) since 2009. According to the petitioners, after their appointments, they were issued service books and were regularly paid salaries through bank accounts. However, despite continuously performing their duties, their salaries were stopped by respondent No.2 from July 2018 onwards without issuing any lawful order of suspension, termination, or disciplinary proceedings. The petitioners submit that the respondents initially attributed the delay to a shortage of funds and repeatedly assured them that salaries would be released, as a result of which they continued performing their duties. It is further submitted that the petitioners belong to the lowest-paid class of employees and non-payment of salaries for years is illegal, oppressive, and violative of their fundamental and service rights. The petitioners further alleged that despite repeated approaches for the release of their dues, no action has been taken by the respondents.

3. Learned counsel for the petitioners submitted that the petitioners are lawfully appointed and regularized employees of TMC Thatta, serving as Beldars and Sanitary Workers (BPS-01/02) since 2009. He argued that the petitioners were regularly paid salaries up to July 2018 and possess appointment orders, service books, and bank statements in support of their employment. It was

contended that despite continuously performing their duties, the respondents illegally stopped payment of salaries without issuing any lawful order of suspension, termination, or disciplinary proceedings. Learned counsel further submitted that the petitioners belong to the lowest-paid class of employees and the non-payment of salaries despite extracting work from them is unlawful, oppressive, and violative of their fundamental rights guaranteed under the Constitution. He further argued that salaries of serving employees cannot be withheld arbitrarily and sought directions for the release of all outstanding salaries along with protection against any unlawful action. He prayed to allow this petition.

4. Conversely, learned counsel for respondent No.2 submitted that although the petitioners were initially appointed and paid salaries through bank accounts, their services were subsequently converted into daily wage employment, and they were verbally informed accordingly. He contended that pursuant to the decision of the Water Commission, contingent staff could not be paid from the OZT grant, as communicated by the Local Government Department through letters dated 16.08.2018 and 20.11.2018; as such, payment of salaries to the petitioners was discontinued. Learned counsel further submitted that since the petitioners' employment was no longer continued after 2018, no remuneration is payable to them, and no formal termination orders were issued as they had already been verbally informed regarding the discontinuation of their services. He lastly argued that the impugned action was taken in compliance with government policy, and the petition is liable to be dismissed.

5. When confronted with the legal position regarding stoppage of salaries without lawful orders, the Chairman, Municipal Committee Thatta, produced the original service record of the petitioners and admitted that the petitioners are regular employees of the respondents; however, their salaries were stopped in the year 2018. Learned AAG submitted that the issue of unpaid salaries requires verification by the competent authority, namely the Secretary of Local Government, who shall pass a speaking order in accordance with the law.

6. We have heard the learned counsel for the parties and perused the record with their assistance and considered the applicable law.

7. Prima facie, as admitted by the Chairman, Municipal Committee Thatta, the petitioners were appointed and regularized employees of TMC Thatta, and their original service record, including service books, was produced before this Court by the Chairman, Municipal Committee Thatta. The respondents also admitted that the petitioners were paid regular salaries up to July 2018. The plea of the respondents that the petitioners were "verbally" converted into daily wage employees and orally informed regarding discontinuation of their services carries

no legal value, as no formal order of termination, conversion, suspension, or disciplinary proceedings was ever issued against the petitioners.

8. It is a settled principle of law that the service rights of civil/public servants cannot be altered or taken away through verbal directions, and no adverse action can be taken against an employee except strictly in accordance with law and after observance of due process. Salaries of employees who continue to perform duties cannot be withheld arbitrarily, particularly where their appointments and service records exist on official records. The Supreme Court held that vested service rights cannot be defeated without lawful authority and due process.

9. Since the respondents themselves have acknowledged the existence of service records of the petitioners and the learned AAG has fairly opined that the matter requires verification by the competent authority, this petition is disposed of with the direction that the Secretary, Local Government Department, Government of Sindh, shall constitute a committee headed by himself and comprising the Chairman, Municipal Committee Thatta, along with such other officer(s) as may be nominated by him, for scrutinizing and verifying the service profiles, appointment records, and entitlement of the petitioners. Upon such examination, if the appointments and service claims of the petitioners are found genuine and lawful, their unpaid salaries, along with all consequential service benefits, shall be released strictly in accordance with law. The entire exercise shall be completed through a speaking order within a period of two months from the date of receipt of this order.

10. Accordingly, without touching the merits of the case, this petition, along with pending application(s), stands disposed of in the above terms.

Let a copy of this order be communicated to the Secretary, Local Government Department, Government of Sindh, and Chairman, Municipal Committee Thatta for compliance in time. In case of failure, appropriate action shall be taken in terms of Article 204 of the Constitution.

JUDGE

JUDGE