

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Constt: Pett: No. D- 536 of 2015.

Date Order with signature of Hon'ble Judge

1. For orders on office objection as flag A.
2. For hearing of main case.

04.102017.

Mr. Sajid Hussain Mahessar, advocate for the petitioner.

Mr. Munwar Ali Abbasi, Asstt: A.G.

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Through this petition, the petitioner has made the following prayers:

- a. Direct the respondents No.1 to 3 to make payment of salaries to the petitioner as Chowkidar since 01.01.2012, after preparing his Service Book and opening the I.D without any further loss of time.
- b. Declare that the refusal of payment of salaries to the petitioner by respondents No.1 to 4 is illegal, malafide, null and void and against norms of natural justice.
- c. To award compensatory costs to the petitioner for the financial and mental loss, which petitioner sustained, due to illegal and unlawful act of the respondents.
- d. Any other relief available under the circumstances to the petitioner may also be awarded to the petitioner.

Counsel for the petitioner submits that the petitioner was appointed pursuant to offer letter dated 03.10.2011 and appointment order dated 22.10.2011 and was paid salary for one month and thereafter his salaries have been stopped since 2012.

We have confronted the counsel for the petitioner as to what efforts were made from 2012 till 2015 when this petition was filed to claim his salaries to which the counsel has referred to the para No.7 of the petition. However, on perusal of para No.7 we are not satisfied

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as to whether any continuous efforts were made by the petitioner to seek release of his salaries. Moreover no document to support such contention has been annexed with the memo of petition.

In the comments, respondents have stated that after performing the duty for one month, the petitioner has absconded from the duties and has never attended the same.

This disputed question of fact cannot be decided by us while exercising our constitutional jurisdiction. Accordingly, the petition being misconceived in facts and law is hereby dismissed.

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