

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Const. Petition No. D- 725 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Hearing of Case

1. For orders on office objection -A
2. For orders on M.A No. 5438/2017 (151 CPC)
3. For Hearing of main case.

21.10.2025.

Mr. Habibullah G. Ghouri, Advocate for the Petitioner.
Mr. Liaquat Ali Shar, Addl. AG for the Respondents.

This Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, has been filed by the Petitioner, Sher Ali, seeking issuance of a posting order and release of salary pursuant to his appointment in BPS-16 of the Sindh Councils Unified Grades Service (Administration Branch), as notified by the Respondent No.3, Secretary, Sindh Local Government Board. The Petitioner contends that despite fulfilling all codal formalities and reporting for duty, he remains unposted and unpaid, while other appointees from the same batch have been accommodated.

2. The Petitioner was appointed through a competitive process conducted by the Selection Committee constituted under the Sindh Local Government Board. His name appears on serial No. 65 in the official notification dated 12.10.2016. He underwent medical examination, submitted acceptance of terms, and reported for duty on 03.12.2012. The Respondents failed to issue a posting order or release salary despite this. The Petitioner has approached the Respondents repeatedly, but to no avail. Other appointees from the same notification have been posted and remunerated, while the Petitioner remains excluded without justification.

3. In their statement/para-wise comments, Respondents No.2 & 3 admitted that the Petitioner was among the candidates recommended by the Selection Committee and that his name appeared in the appointment notification. However, it is contended that his appointment remained subject to verification of credentials and administrative clearance, which, according to the Respondents, was not finalized due to certain procedural

discrepancies. It is further stated that posting orders were issued only to those candidates whose verification was complete, and the Petitioner's case is still under scrutiny. The Respondents deny discriminatory treatment and submit that administrative delays cannot be construed as mala fide.

4. Learned counsel for the Petitioner contends that the Petitioner's appointment is valid and complete in all respects. He emphasized that the Petitioner has been discriminated against, violating Articles 4, 9 and 25 of the Constitution. He argued that the Petitioner's right to livelihood and equal treatment has been infringed and that the Respondents' inaction is arbitrary and unlawful.

5. Learned Addl. A.G appearing for the Respondents contended that the Petitioner's appointment, though notified, was subject to further verification. He submitted that the issuance of posting orders falls within the administrative discretion of the competent authority.

6. Upon hearing the learned counsel for the parties as well as appraisal of the contentions, pleadings, and record, the core issue for determination is whether the Petitioner's appointment stands legally perfected and if the Respondents' failure to issue a posting order and release salary constitutes a violation of his fundamental rights.

7. The Petitioner's appointment is evidenced by the official notification dated 12.10.2016, wherein his name appears at Serial No. 65. The record further reflects issuance of a medical fitness certificate, acceptance of terms and conditions, and duty reporting. The Respondents have not rebutted these Documents. The doctrine of legitimate expectation holds that once an individual is appointed through a transparent process and fulfils all formalities, they acquire a legitimate expectation of being posted and remunerated. The denial of posting and salary to the Petitioner, while others have been accommodated, offends Article 25 of the Constitution, which guarantees equality before law and protection against discrimination. The right to livelihood is an integral part of the right to life under Article 9. The Petitioner, having reported for duty, cannot be left in administrative limbo without salary or posting.

8. The Respondents' inaction is arbitrary, devoid of lawful authority and contrary to administrative fairness and natural justice principles.

9. In view of the foregoing, we are of the considered view that the Petitioner has been subjected to unjustified and discriminatory treatment. His appointment stands validated by documentary evidence, and the denial of posting and salary is without lawful justification. Accordingly, this Petition is **allowed** with directions to the Respondents to issue an appointment/posting order in favour of the Petitioner, Sher Ali, within fifteen (15) days from the receipt of this order.

Let a copy of this order be dispatched to the Respondents No.2 &3, for immediate compliance.

Judge

Judge

Abid H. Qazi/**