

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-5041 of 2023  
*(Raza Ali Thaheem & others versus Province of Sindh & others)*

Constitutional Petition No. D-4984 of 2023  
*(Bilawal Ali versus Province of Sindh & others)*

Constitutional Petition No. D-1588 of 2024  
*(Asif Ali Mangi versus Province of Sindh & others)*

Constitutional Petition No. D-6127 of 2024  
*(Mueenuddin Abro versus Province of Sindh & others)*

Date	Order with signature of Judge(s)
------	----------------------------------

Before:  
Mr. Justice Muhammad Karim Khan Agha  
Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and order:- 30.10.2025**

Mr. Ali Asadullah Bullo advocate for the petitioners in CP Nos. D-5041 of 2023, 4984 of 2023, 6127 of 2024.  
Mr. Siraj Ahmed Mangi advocate for the petitioner in CP No. D-1588 of 2024  
Ms. Saima Imdad, Assistant AG, assisted by Ms. Humaira Jatoi, advocate  
-----

**ORDER**

**Muhammad Karim Khan Agha, J.** All the petitioners have commonly prayed that this Court may:

- 1. Declare the impugned orders dated 22.11.2021 passed by respondent No.1/ Chief Secretary, Government of Sindh as illegal, arbitrary, mala fide, unreasoned, and violative of Articles 4, 9, 10-A, 18, and 25 of the Constitution of the Islamic Republic of Pakistan, 1973, as well as Section 24-A of the General Clauses Act, 1897, and the principles of natural justice;*
- 2. Set aside the said impugned orders being passed without due process, application of mind, or consideration of the verified departmental record and the recommendations of the five-member departmental scrutiny/inquiry committee dated 24.09.2020;*
- 3. Direct the respondents to reinstate the petitioners in service as Town Officers / Chief Officers (BPS-16 & BPS-17) of the Sindh Council Unified Grade (SCUG) Service (Administration Branch), in light of the aforesaid committee's recommendations and in parity with other similarly placed employees whose reinstatement was ordered by this Court in its judgment dated 14.12.2022 in C.P. Nos. D-7401/2021, D-7407/2021, D-7408/2021, D-7409/2021, D-7410/2021, and D-75/2022; and*
- 4. Grant back and consequential benefits, including salaries, seniority, and service continuity, as admissible under law to other reinstated officers of the department.*

2. The above-captioned petitions, involving identical facts, issues, and impugned orders containing the same reasons for the termination or relieving of the petitioners, were heard together and are being disposed of through this common order.

3. It is the case of all the petitioners, who, having applied in response to public notices published in *DAWN* and *JANG* during February 2012, were duly selected, appointed, and posted as Town Officers / Chief Officers in BPS-16 and BPS-17 after passing written tests and fulfilling all codal formalities, with approval of the competent authority and completion of probation periods. However, vide two non-speaking and unreasoned letters dated 10.10.2016, respondent No.3 directed that all officers appointed in 2012-2013 be relieved, without issuing show-cause notices, conducting personal hearings, or affording opportunity of defense. However, the petitioners' names were not part of the list submitted in C.P. No. D-293/2013 (*Nadeem Akbar v. Province of Sindh*) before the Sukkur Bench, to which they were not parties. Subsequently, upon recommendations of a five-member departmental scrutiny committee dated 24.09.2020, favoring reinstatement, the petitioners repeatedly approached respondent No.1 for relief, but their requests were ignored after filing C.P. No. D-1370/2021 and contempt proceedings for non-compliance, respondent No. 1 passed the impugned orders dated 22.11.2021 in a hasty, cyclostyled manner, without applying their mind, ignoring the inquiry committee's findings, and violating Articles 9, 10-A, 18, and 25 of the Constitution and Section 24-A of the General Clauses Act. The petitioners, in all petitions, therefore, seek a declaration that the common impugned orders dated 22.11.2021 are illegal, mala fide, arbitrary, and void ab initio, and request directions for reinstatement in service with back and consequential benefits, in line with similarly placed employees reinstated through this Court's judgment dated 14.12.2022, passed in C.P. Nos. D-7401/2021, D-7407/2021, D-7408/2021, D-7409/2021, D-7410/2021, and D-75/2022, as well as scrutiny of their service profiles and release of due benefits if found validly appointed. For convenience's sake, an excerpt of one of the impugned orders 22.11.2021 is reproduced asunder: \_

### **“ORDER**

*“WHEREAS, Honorable Supreme Court of Pakistan vide Orders dated 06.12.2017 & 29.01.2018 converted civil petitions No.3440 of 2017, 4780 of 2018 & other into appeals before the departmental authority and sent them for being decided in accordance with law after hearing the appellants.*

**WHEREAS**, the recruitment process in Sindh Local Government Board, to fill the vacancies of BS-16 & BS-17 in four Branches, i.e. (Administration, Accounts, Engineering & Medical Branch) of SCUG Service was initially started in the year 2011 by publishing advertisement in leading newspapers dated 24.11.2011 & 26.12.2011. Later on Local Government Department, in pursuance of order of the Honorable High Court dated 22.02.2012 in C.P.No.-D-3406 of 2011 winded the entire process of recruitment and in order to comply with the strict criteria laid down in Rule 4(2) of Sindh Council unified Grade (SCUG) Service, Rules 1982, invited fresh applications by advertising in leading newspapers dated 24.02.2012 & 26.02.2012. All the applicants who met the prescribed criteria were called for a written test / Interview at 23 designated test centers throughout the province on 11.03.2012. Pursuant to that public notice, candidates possessing prescribed qualification and having domicile of Sindh province were allowed in the written test, and those who have passed the written test were called for interview before the selection committee, as notified dated 09.12.2011. The Successful candidates were given offer orders dated 30.11.2012 for appointment in BS-16 & BS-17 in SCUG Service (Administration Branch).

**WHEREAS**, the above-mentioned recruitment process made in the SLGB was challenged in the High Court of Sindh, Circuit Court Sukkur by filing C.P.No. 293/2013 by Mr. Nadeem Akber & another C.P.No D-297/2013 filed by Umair Ahmed Others. The SLGB in the subject petitions submitted its report dated 08.05.2013 containing a list of successful candidates, including 103 in (BS-17) & 86 in (BS-16) in the Honorable High Court, Sukkur. The Honorable Court vide order dated 31.07.2013 dismissed CP.No. 293/2013 and other allied petitions, consequently, all the successful candidates were issued appointment orders on 05.08.2013. Later on, other petitions CP.No.D1034/2013 & C.P.No. D-777/2013 was also filed by Sarfraz Ahmed Panhwar & Abdul Sattar in the High Court, Larkana. The Local Government Board also submitted the list of successful candidates, appointed for the posts of Town officer (BS-16) & Chief Officer (BS-17) in the Honorable Court.

**AND WHEREAS**, the Secretary Local Government Board issued two letters dated 10.10.2016, addressed to the Director Local Government Department, Karachi / Hyderabad / Sukkur/Larkana/Shahed Benazir Abad/ Mirpur Khas Division, Sindh,

*with advice to relieve the officers of BS-16 & BS-17, SCUG (Admin Branch) in Local Government Board appointed in the year 2012-2013 and afterwards, if the name of the person is not included in the list of successful candidates, submitted before the Honorable High Court of Sindh Bench Sukkur in C.P.No.D-293/2013. Subsequently, Mr. Noorullah Abro and others, being aggrieved by the relieving letter /Order dated 10.10.2016, filed C.P.No.D-5542/2016 in the High Court of Sindh Karachi, challenging their relieving order. The Honorable High Court of Sindh, in its detailed Judgment dated 27.09.2017, dismissed the said petition along with pending applications. Subsequently, SLGB vide order dated 4th October 2017, relieved 37 officers from their posts & vide another intimation dated 4th October, 2017, Other 29 officers were informed that the constitution petitions filed by them have been dismissed by the Honorable High Court. Agha Fahad Khan, Abdullah Palejo, and other petitioners filed Civil Petitions No.3440 of 2017, Civil Petition No.4780 of 2017 & 4860 of 2017. The Honorable Supreme Court of Pakistan, vide orders referred above, converted all the petitions into departmental appeals.*

**AND WHEREAS,** *the appellant, Raza Ali Thaheem, was given the opportunity of a personal hearing on 26.07.2021. During the Course of personal hearing, the applicant failed to produce any substantial record which can prove that he had qualified the written test / Interview, whereas the viewpoint of the representative of the Department was that the name of the appellant is not reflected in the list of successful/selected candidates, as already submitted before the Honorable High Court.*

**NOW THEREFORE,** *after detailed examination of the available record, provided by the Local Government Department and hearing both the parties, i.e., appellant and the representative of the Local Government Department, on 26.07.2021. I, Mumtaz Ali Shah, Chief Secretary, Sindh / Authority, hereby reject the appeal of the appellant.”*

4. Learned counsel for the petitioners contended that the impugned orders dated 22.11.2021 are unreasoned, arbitrary, and passed in violation of due process, natural justice, and Articles 4, 9, 10-A, 18, and 25 of the Constitution as well as Section 24-A of the General Clauses Act, being non-speaking and devoid of legal reasoning. It was argued that respondent No.1, acting under pressure of contempt proceedings, issued the orders in

malicious haste and with bias, ignoring the verified and attested departmental record, the five-member inquiry committee's detailed recommendations dated 24.09.2020, and the letter of respondent No.3 dated 07.10.2021, which enclosed the duly signed result sheets and appointment data confirming the petitioners' valid selection. Counsel submitted that the petitioners had lawfully completed their probation, training, and service for several years, and could not be deprived of employment after four years on the basis of an unsigned, unauthenticated list filed in another case to which they were not parties. He argued that the impugned orders, passed in a cyclostyled and mechanical manner, constitute a miscarriage of justice and reflect a deliberate attempt by respondent No.1 to evade contempt proceedings rather than adjudicate the matter on the merits. It was urged that the petitioners' appointments were legal, duly approved by the competent authority, and supported by documentary evidence; hence, their removal violates their fundamental right to livelihood as recognized in the reported case **2015 SCMR 1257**. The counsel emphasized that the Scrutiny Committee's report categorized the petitioners in Categories I and II, recommending reinstatement, which respondent No.1 failed to consider. Accordingly, the petitioners seek that the impugned orders be set aside and they be reinstated in service with all back and consequential benefits.

5. Learned Assistant Advocate General (AAG) has opposed the petitions and submitted that the Supreme Court of Pakistan, vide order dated 06.12.2017, had remanded the matter to the Government of Sindh for a decision strictly in accordance with law after providing an opportunity of hearing to the petitioners. Pursuant thereto, the competent authority duly examined the record and found that the names of the petitioners were not included in the official list of successful candidates issued vide letter dated 08.05.2013, about the recruitment of Town Officers / Chief Officers (BPS-17) in the Sindh Council Unified Grade (SCUG) Service (Administration Branch). Hence, the claim of the petitioners to be validly appointed members of the SCUG Service is factually incorrect and legally untenable. The learned AAG contended that the petitioners' alleged appointments were based on fabricated or unauthenticated documents, and no vested or fundamental right can arise from an appointment obtained through irregular or bogus means. It was further argued that identical matters have already been adjudicated upon, and all similar petitions except those where the appointments were verified through proper scrutiny have been dismissed, along with pending applications. The judgment dated 14.12.2022, passed by this Court in C.P.

Nos. D-7401, D-7407, D-7408, D-7409, D-7410 of 2021, and D-75 of 2022, reinstating certain petitioners, were specific to those individuals whose credentials were verified through the official record and cannot be extended to the present petitioners, whose names were never reflected among successful candidates. It is, therefore, contended that the impugned orders dated 22.11.2021 were passed in compliance with the Supreme Court's direction and after due consideration of the available record, and hence, are lawful and justified. The learned AAG also relied upon the order dated 28.03.2019 passed by the Supreme Court in C.P. No. 583-K to 587-K/2017, an excerpt of the same is reproduced as under:-

### **ORDER**

*We have heard the learned counsel for the parties and have also gone through the record of the case.*

*2. The petitioners claim that pursuant to the advertisement published in newspapers, they had applied for the posts of Municipal Officer/Chief Officer BS-17 and Town Officer/Chief Officer BS-16 in Sindh Councils Unified Grade (Administration Branch) and after complying with the codal formalities, they were appointed in August 2013 for a probationary period of two years. Upon such appointment, they gave joining report, and posting orders were also given to them. It is further alleged that petitioners were nominated for Career Advancement Training at Civil Services at the Local Government Academy, Tando Jam. The Secretary Local Government Board issued two orders dated 10.10.2016 by which the petitioners were relieved from their services and such orders of their relieving from service apparently was passed pursuant to the orders passed by the Sindh High Court, Bench at Sukkur in C.P. No.D-293 of 2013 (Nadeem Akbar V/S Province of Sindh & others) where the respondents have taken a plea that the names of the petitioner are not included in the list of selected candidates for appointment in Sindh Council Unified Grade Service (Admin Branch). The said petition was dismissed vide order dated 31.07.2013. Again, in Constitution Petition No.D-1034 of 2013 (Sarfaraz Ali Pahnwar V/S Province of Sindh & others, list of selected candidates was placed before the High Court, in which, too, the names of petitioners were not mentioned as selected candidates. In Constitution Petition No.D-1930 of 2016, the High Court passed the order dated 25.10.2016 for taking action against the persons who have acted in violation of the rules in making of appointment, as the case of the respondent in the said petition was that the letters of appointment of petitioners are bogus and forged and were made much after the recruitment process was over. The salaries of petitioners were paid. Petitioners challenged the order dated 10.10.2016, by which they were relieved from the service by filing Constitution Petition in the High Court of Sindh at Karachi, which came to be decided vide impugned judgment dated 27.09.2017 dismissing the Constitution Petitions. The petitioners have now approached this Court by filing Civil Petition for Leave to Appeal against the said impugned judgment of High Court of Sindh.*

3. *Learned ASC for the petitioners has contended that if there was any illegality in the appointment of petitioners, the petitioners cannot be made responsible for the same, in that the action ought to be taken against the respondents. He further contended that high powered committee be constituted to scrutinize the cases of petitioners and thereafter, on obtaining report of high powered committee, these petitions be decided. Learned ASC next contended that the petitioners have worked for four years and have been paid salaries, and thus they could not have been relieved from the service without adopting process of law.*

4. *Learned Additional Advocate General Sindh, on the other hand, has opposed the submissions made by learned ASC for the petitioners and has contended that petitioners were not appointed pursuant to the advertisement; rather, they got fake and forged appointment letters. He further contended that no salaries were paid to the petitioners for that there was no budget allocated for them and that High Court has dealt with the matter elaborately, which requires no further enquiry or scrutiny.*

5. *It is not disputed by the learned ASC for the petitioners that in two lists of selected candidates, filed by the respondent in Constitution Petition No.D-293 and 1034 of 2013, the names of petitioners were not included meaning that the petitioners had not participated in the process of appointment rather when the process of appointment had come to an end, they managed to obtain their appointment letters, which apparently were fake and forged. Learned ASC for the petitioners has referred to the appointment letter at page 55 of the record. This letter is dated 30.11.2012, addressed to one Rizwan, the petitioner in C.P. No.583-K/2017, showing that he has been appointed in BS-17 of SCUG Services (Admin Branch). This letter seems to be signed by the Secretary, Sindh Local Government Board. Learned Additional Advocate General Sindh has contended that secretary has no authority or power to make appointment as such appointment could have only made by the Board and there is nothing on the record that board has made the appointment of petitioners. Confronted with this situation. Learned ASC for the petitioners conceded that there is no order of the board on record showing that petitioners were selected by it for appointment.*

6. *As regards the submission of learned ASC that salaries have been paid to the petitioners, the petitioners in para xii of memo of petitions under the heading of facts have alleged as follows:*

*xii. That since the appointment and posting the petitioner is getting his salary without any gap in the salary.*

7. *Annexure (I) which has been relied upon and called to be the salary bill is actually a letter dated 05.05.2014 purported to have been written by the Town Officer, Town Committee Khanpur to the Manager Sindh Bank Khanpur for opening salary account for Town Municipal Administration staff namely Mr. Rizwan. Besides this document, no other document has been filed by the*

*petitioners either before the High Court or before this Court to establish the fact that they did received salary from the respondent. Neither salary bill nor payment slip nor the statement of bank account of petitioners showing deposit of salary I their accounts have been filed before the Court which could have given some strength to the arguments of learned ASC for the petitioners. Petitioners having not placed such documents on the record, its obvious inference would be that no salary was paid to the petitioners.*

8. *As regards the submission of learned ASC for the petitioners for constitution of high powered committee to scrutinize the process of appointment of the petitioners, we find no reason for undertaking this exercise for the matter is dealt with by the High Court in the impugned judgment elaborately with all relevant material, which he petitioners have laced before the court and upon which they were non-suited. Before us also nothing was shown from the record on the basis of which this Court can opine that matter of appointment of petitioners requires scrutiny by high high-powered committee. Having dealt with all the arguments as advanced by the learned counsel, we find no merits in these petitions, which are dismissed and leave refused.”*

She accordingly prayed for dismissal of the present petitions, being devoid of merit and not maintainable in law.

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

7. If this is the stance of the government of Sindh, in such circumstances of the case, it is expedient to look into the order of the Supreme Court first, for convenience sake, the order of the Supreme Court dated 6.12.2017 is reproduced as under:-

*“These Civil Petitions for Leave to Appeal have arisen out of a judgment dated 27.09.2017, passed by a learned Division Bench of the High Court of Sindh at Karachi, whereby Constitution Petitions filed by the Petitioners were dismissed.*

2. *Learned ASCs for the Petitioners contended that even if it is assumed for a while that the appointments of the Petitioners were not made validly, they could not be sent packing without being heard. They next contended that where the Division Bench of the High Court itself concluded that the matter raised involves factual controversy, it could not have expressed a view on the merits. Learned ASCs lastly argued that whatever the case may be any order passed in violation of the principle of natural justice enshrined in maxim audi alteram partem would be bad in law and that it would be just, fair and equitable if the Writ Petitions filed by the Petitioners before the High Court are treated as appeals before the departmental authority for being decided in accordance with law their grievance to a great extent will be redressed.*

3. *Learned Additional Advocate General, Sindh, contended that notices were already issued to the Petitioners, but they themselves opted not to appear before the competent authority*

4. *Be all that as it may, the last argument addressed by learned ASCs for the Petitioners has substance. We, therefore, convert these petitions into appeals; allow them; set aside the impugned judgment; treat the Writ Petitions of the Petitioners as appeals before the departmental authority and send them*



*for being decided in accordance with law after hearing the appellants.”*

8. The core issue concerns the legality of the impugned orders dated 22.11.2021, whereby the petitioners’ claims for reinstatement were rejected. It is urged that the Chief Secretary, Sindh, failed to review the Court-constituted Enquiry Committee’s report and merely endorsed the earlier order of 06.12.2017. It is submitted that the Scrutiny Committee found that the petitioners were terminated without show cause notices, Board or Ministerial approval, or hearing. Verification confirmed that they received salaries, held DDO powers, served on valid posts, and made pension and Provident Fund contributions as per relevant rules. The termination was based on an invalid “so-called list” of successful candidates (2013–2016), and SLGB failed to provide complete records. The Supreme Court had already set aside this Court's orders on 06.12.2017. However, the Scrutiny Committee recommended 23 officers; 17 more officers were also recommended, subject to verification, for 5 officers further verification was required, whereas 3 officers were not recommended. This Court vide order 14.02.2022 passed in CPD 7401/21 and other connected petitions wherein, the petitioners filed chronological statements with documents; the respondents did not dispute them. The Inquiry Report confirmed that termination was ill-founded. However, vide short order 14.12.2022, petitions were allowed as per the Inquiry Report dated 24.09.2020, and the impugned orders dated 22.11.2021, 10.10.2016, and 04.10.2017 were set aside, and it was further directed that the salaries and other service benefits, if unpaid, are to be released within two months of receipt of the detailed judgment. An excerpt of the order dated 14.2.2022 passed in the CPD 7401/21 and other connected petitions is reproduced as follows:-

*10. In order to further verify the factual position about claim of the petitioners to the effect that they have been appointed on their respective posts in BS-16 and BS-17 during 2012-2013 after complying with all the codal formalities, learned counsel for the petitioners were directed to file a chronological statement with regard to the appointments of the petitioners along with relevant documents.*

*Pursuant to such order, learned counsel for the petitioners has filed their respective chronological statements along with relevant documents, whereas learned counsel for the respondents did not file any objection, nor disputed the authenticity of such documents. Moreover, the learned counsel for the respondents has candidly conceded that in view of the Enquiry Report and the finding recorded therein, the very basis of terminating the services of petitioners is ill-founded, as after scrutiny of the record of the petitioners, prima facie, no illegality is found in the process of their appointment on respective posts.*

11. Keeping in view the above factual and legal position, vide our short order dated 14.12.2022, instant petitions were allowed in the following terms:-

**“14.12.2022**

*M/s.Ziaul Haq Makhdoom a/w Hira Agha, Fatima Ashfaq, Amna Khan, Azhar Mahmood, and Noman Khanzada, advocates for the petitioner in CPD 7401/21.*

*Agha Haris Khan, advocate for the petitioner in CPD 7407 to 7410/21.*

*Mr.Muhammad Haseeb Jamali, Barrister Hidayat Magrio, and Muzammil Hussain Jalbani, advocates for the petitioner in CPD 75/22.*

*M/s.Shahab Sarki & Zulfiqar Ali Langah, advocates for the petitioner.*

*Mr.Ziauddin Junejo, AAG a/w Saim Imran Khan, Administration Officer SLGB.*

-----

*Pursuant to Court’s order dated 09.12.2022, all learned counsel for the petitioners have filed their respective chronological statements along with relevant documents in the aforesaid petitions, which are taken on record, copies supplied to learned AAG, who do not dispute the process adopted for the purposes of appointments/recruitment of the petitioners in Sindh Local Government, nor disputed the Inquiry Report dated 24.09.2020 and the recommendation made thereunder.*

*Heard the counsel for the petitioners and the learned AAG, duly assisted by the concerned office of SLGB, present in Court.*

*For the reasons to be recorded later on, the aforesaid petitions are allowed in terms of recommendations as contained in the Inquiry Report No.PA/AS/SE&LD/MISC/2020 dated 24.09.2020 (available at page-689 in C.P.No.D-75/2022), consequently, all identical impugned order(s) No.SO(APLS-III)S&GAD/24(454)/2018 dated 22.11.2021 issued by Chief Secretary to the Government of Sindh/Appellate Authority (available at Page-43 in C.P.No.D-75/2022) as well as the identical Relieving Order(s)*

*No.SLGB/SCUG/AO/Gen/293&297of2013/2016/ 1707 and No.SLGB/ SCUG/AO/Gen/293&297of2013/2016/ 1708, both dated 10.10.2016 (available at Page-567 in C.P.No.D-75/2022) and subsequent identical Termination Order No.SLGB/SCUG/AO Gen/293 & 297/2013/2017/1888 dated 04.10.2017 (page-659 in C.P.No.D-75/2022) in respect of petitioners in the above petitions are hereby set aside.”*

12. Above are the reasons for such a short order.

13. Before parting with the judgment, we may observe that the salaries and other service benefits, if not paid to the petitioners during this period, shall be paid immediately, however, not later than two (02) months from the date of receipt of detailed reasons.”

9. From the aforesaid material, it appears that this Court in the earlier round of litigation examined the report of the High-Powered Scrutiny Committee comprising senior officers of the Local Government

Department, which reviewed the entire appointment process for BS-16 and BS-17 posts. The report further revealed that the termination of the petitioners was unfounded and contrary to the record. An excerpt of the findings of the inquiry officer is as under:-

**“FINDINGS.**

(1) *These officers were relieved by the Secretary, Sindh Local Government Board, without issuing them a Show Cause Notice and without approval of the Sindh Local Government Board and the Minister, Local Government, and they were not even given an opportunity for a personal hearing.*

(2) *Furthermore, during the hearing in the Honorable High Court of Sindh, Karachi, the Court was informed that the appellants had failed to confirm that they were paid their salaries to ascertain their genuineness. However, during the course of verification, it has been revealed and confirmed by Regional Directors that they were paid their salaries, some of them have served with DDO powers, and even in one case, a post was created in the schedule of establishment.*

(3) *According to Rule-17, 18(1)(2) of the Sindh Councils Unified Grades Service Rules, 1982, the appellants have drawn their salary from the councils for the period which they served, the same is reproduced as under (Annexure-XII):-*

*Rule-17 "A member of the service shall draw his pay and other emoluments from the Council under which he served during the period for which the pay and other emoluments are claimed".*

*Rule-18(1) Where a member of the service proceeds on leave, he will draw his leave salary from the council concerned, or from the Sindh Councils Unified Grades Fund.*

*Provided that until the Sindh Councils Unified Grades Fund is constituted, the member of the service shall draw his leave salary from the local fund of the Council and the amount so drawn shall be adjustable against the contribution of the Council payable by the Council to the Sindh Councils Unified Grades Fund when constituted".*

(2) *Notwithstanding the provisions of sub-rule (1) where a member of the service is a civil servant and his services have been borrowed, the leave salary contribution for the period of his duties in a council as calculated by the Accountant General, Sindh shall be paid to the Government and the leave salary to such civil servant shall be paid by the Government.*

(4) *According to Rule-4 of the Sindh Councils Unified Grades Service (Pension Fund) Rules, 1985, the appellants have made payments towards the pension contribution from their salaries in the councils for the period which they served (copies of pay slips can be seen at their personal files), the same is reproduced as under (Annexure-XIII):-*

*Rule-4(1) A council or any other body, where a member of the service is posted, shall, for the period of posting, contribute to the fund by way of its share to the pension contribution in respect of such member at such rate as may from time to time be determined by the Government.*

(2) *The contribution payable by a council under sub-rule (1) shall be the expenditure charged on the local fund within the meaning of sub-section (1) of section 71 of the ordinance.*

*(3) The contributions payable under sub-rule (1) in respect of any month shall be credited by the council or other body to the accounts of the fund in the first week of the month next following.*

*(5) According to Rule-21 of the Sindh Civil Servants Act, 1973, the appellants have made payments towards the Provident Fund from their salaries in the councils for the period which they served (copies of pay slips can be seen in personal files), the same is reproduced as under (Annexure-XIV):-*

*Rule-21(1) Before the Expiry of the third month of every financial year, the Accounts Officer or other officer required to maintain the provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to maintain a statement under his hand showing the subscriptions to, including the interest accruing thereon, if any and withdrawals or advances from his provident fund during the preceding financial year.*

*(2) Where any subscription made by a civil servant to his provident fund has not been shown or credited in the account by the Accounts Officer or other Officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.*

*(6) According to Section 129 of the Sindh Local Government Act, 2013, which is reproduced as under, the Sindh Local Government Board shall perform its functions as laid down in the Act (Annexure-XV):-*

*Section 129 (1) The Board shall perform such functions and maintain funds in respect of employees as may be prescribed.*

*(2) The Board shall, with the approval of the Government, employ such number of employees as may be necessary, on such terms and conditions, and they shall be liable to such disciplinary action and penalties as may be prescribed.*

*(3) Government may, from time to time, specify that a post in the Board shall be filled by a person belonging to the Sindh Council Unified Grades or any other service.*

*(7) It is finally summarized that the services of appellants were rendered fake on account of so-called list of successful candidates (B-17/B-16) were issued vide letter No.SLGB/SCUG/AO/Gen/2938297 of 2013/2016/ 1707 dated 10.10.2016 (Annexure-XVI) and No. SLGB/SCUG/AO/Gen/2938297 of 2013/2016/1708 dated 10.10.2016 (Annexure-XVII) of Sindh Council Unified Grades Service (Admin Branch) were submitted in the year 2013 by the Sindh Local Government Board to the Honorable High Court of Sindh Bench at Sukkur in CPD-293/2013 filed by Mr.Nadim Akber S/o Ali Akber V/s Province of Sindh and others but, the seniority lists were not issued till 2017 which is mandatory to be issued in the month of January every year as required under Section-12(1) & (2) of the Sindh Councils Unified Grades Service Rules, 1982 as discussed in the preceding paras. By no means from any stretch of imagination it was a list of successful candidate. Similarly, services of the appellants were remained continued.*

*(8) As far as conclusion at para-13 of the Judgment passed by the Honorable High Court of Sindh Karachi is concerned, it is complete responsibility of the Sindh Local Government Board to call the record of the appellants petitioners from the local councils through the Directors*

*Local Government / Deputy Directors Local Government throughout Sindh and to present before the Honorable High Court Sindh Karachi. The record received from the Sindh Local Government Board and from the Regional Directors are the attenuating circumstances for the appellants that their working in the Local Government Department had seen light of the day and onus of administrative lapse (advertent or inadvertent) must not be saddled upon the appellants, through executive orders or otherwise.*

*(9) The Honorable supreme court of Pakistan vide its order dated: 06- 12-2017 had also taken into consideration for factual and legal aspects and set aside the orders of Honorable High Court of Sindh in this matter."*

10. Prima facie, the findings and recommendations of this Committee, prepared pursuant to the decision of the Supreme Court. The inquiry report reveals the following 23 Petitioners/Appellants in the aforesaid petitions were recommended for reinstatement (Full records available)

*Agha Fahad Ahmed s/o Agha Rafique Ahmed Khan, B-17  
 Ali Raza Khero s/o Sher Muhammad Khero, B-17  
 Shah Muhammad Noonari s/o Shafi Muhammad Noonari, B-17  
 Abdul Hameed Suhag s/o Ghulam Mustafa Suhag, B-17  
 Muhammad Irshad Gill s/o Muhammaddin, B-16  
 Muhammad Ishaque s/o Gul Hassan Lund, B-17  
 Amaar Hussain s/o Shoukat Hussain Jokhio, B-17  
 Manthar Ali s/o Moula Bux Zardari, B-17  
 Abdul Hameed Shaikh s/o Allah Dino Shaikh, B-16  
 Yaseen Ahmed Abbasi s/o Muhammad Yaqoob, B-17  
 Abdul Waheed Panhyar s/o Ghulam Rasool, B-16  
 Amanullah s/o Hafeezullah Khoso, B-17  
 Abdul Sattar Solangi s/o Abdul Rasheed, B-17  
 Raza Ali s/o Muhammad Soomar Thaheem, B-16  
 Imran Khan s/o Muhammad Hassan Sial, B-16  
 Mohsin Khan s/o Abdul Nabi Khan, B-16  
 Majid Hussain Mahesar s/o Khadim Hussain, B-16  
 Noorullah s/o Qalander Bux Abro, B-17  
 Ali Akbar Daheri s/o Haji Din Muhammad, B-16  
 Muhammad Khan Sabhayo s/o Muhammad Usman Sabhayo, B-16  
 Vickey Kumar s/o Ramesh Lal, B-16  
 Ayaz Ahmed s/o Moula Bux Abro, B-17  
 Abdullah s/o Muhammad Hussain Palijo, B-16*

11. The following 17 Petitioners/Appellants are recommended for reinstatement, subject to further verification (Missing joining reports)

*Abdul Qayoom Massan s/o Muhammad Ramzan Massan, B-16  
 Hyder Ali Jiskani s/o Qamber Ali Jiskani, B-16  
 Bilawal Ali s/o Hamdullah Jamro, B-16  
 Imran s/o Nizamuddin Bhayo, B-16  
 Waseem Abbas Baloch s/o Ghulam Sarwar Baloch, B-16  
 Sajid Ali Mangi s/o Imdad Ali, B-17*

*Vikash s/o Bhagwandas, B-17*  
*Zulfiqar Ali s/o Muhammad Hassan Sial, B-17*  
*Aijaz Ali Shah s/o Ghulam Muhammad Shah, B-17*  
*Abdul Hameed s/o Muhammad Murad Mengal, B-17*  
*Adnan Razi s/o Manzoor Ahmed, B-17*  
*Asif Ali Mangi s/o Late Abdul Sattar Mangi, B-16*  
*Shakeel Ahmed Memon s/o Nazir Ahmed, B-16*  
*Sajjad Ali s/o Liaqat Ali Mugheri, B-17*  
*Imran s/o Muhammad Aslam Samo, B-16*  
*Mahboob Ali s/o Moula Bux Zardari, B-17*  
*Irfan Ali s/o Rasool Bux Khoso, B-17*

12. The following 5 Petitioners/Appellants require further verification  
 (No personal files, field reports available)

*Mumtaz Ali Phulpoto, B-17*  
*Shahzad Mangrio, B-16*  
*Asghar Ali Mirani, B-17*  
*Moeenuddin Abro, B-17*  
*Manzoor Ahmed Memon, B-17*

13. The following 3 petitioners/appellants are not recommended for  
 reinstatement (No records available)

*Anus, B-16*  
*Sarmad Ali, B-16*  
*Abdul Rasheed Malik, B-17*

14. The material placed on record prima facie shows that the petitioners claimed to be appointed pursuant to a public recruitment process initiated through advertisements published in 2012, that they were issued offer and appointment letters by the competent authority, and that they served for several years after completing probation. The departmental scrutiny committee, constituted under the directions of the Supreme Court, in its report dated 24.09.2020, had recommended reinstatement of certain officers, including the petitioners, whose appointments were found genuine upon verification. However, on the intervention of this Court in the aforesaid petitions, the impugned orders were found to have been passed in a non-speaking and cyclostyled manner, without adverting to the said inquiry report or the attested record submitted by official respondents. At this stage, we have been informed that the common judgment passed by this Court, as discussed supra, has attained finality as no appeal was preferred by the Government of Sindh. However, the case of the present petitioners needs to be looked into by the competent authority afresh in terms of the findings of this Court. While the Government of Sindh is competent to rectify any irregular or illegal appointments, such action must conform to due process, supported by cogent reasons as required

under Section 24-A of the General Clauses Act and Articles 4 and 10-A of the Constitution.

15. Since, the impugned orders dated 22.11.2021, have already been declared by this Court in earlier round of litigation being unreasoned and passed without confronting the petitioners with specific allegations, were set aside, no further order on the part of this Court is required, therefore, the instant matter is remanded to respondent No.1/ Chief Secretary, Government of Sindh, to reconsider the petitioners' cases afresh strictly in terms of the directions of the Supreme Court, and the report of the departmental scrutiny committee dated 24.09.2020, and any other material available on record, including the findings of this Court vide common judgment dated 14.12.2022 and order dated 28.03.2019 passed by the Supreme Court in C.P. No. 583-K to 587-K/2017. The Chief Secretary shall provide the petitioners an opportunity of personal hearing afresh and decide the matter through a reasoned and speaking order within sixty (60) days. If upon such reconsideration the petitioners' appointments are found genuine and duly approved as held by this Court, they shall be reinstated in service with all consequential benefits in accordance with law and in parity with other similarly placed employees as ordered by this Court in earlier round of litigation.

16. These petitions stand disposed of in the above terms.

HEAD OF CONST. BENCHES

JUDGE