HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-217 of 2025

[Gul Mohammad vs. The Chief Secretary Sindh and Others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By Faqir Rehmatullah Hisbani, Advocate
Respondents	By Mr. Ayaz Ali Rajper, Assistant A.G Sindh
Date of hearing	15.10.2026
Date of Decision	15.10.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- The petitioner prays that the respondents be directed to create his SAP ID and release his salary with all arrears from the date of appointment, i.e., 15.03.2013, and that appropriate action be taken for their negligence in withholding his salary.

2. The learned counsel for the petitioner submits that the petitioner's late father, Gulab, served as a Tyndel in the Irrigation Department and, following his death, the petitioner was appointed against the deceased quota vide order dated 18.01.2013 and joined on 15.03.2013. He claims to have performed his duties regularly, supported by his Service Book and departmental certificate, but has not received salary since his appointment due to non-issuance of his SAP ID. He adds that despite directions of the Chief Secretary and repeated departmental correspondence, his salary and arrears remain unpaid, causing severe financial hardship. He, therefore, seeks directions for creating his SAP ID and payment of salary from 15.03.2013 along with arrears.

3. Learned AAG submits that although the petitioner was appointed in 2013, he did not perform his duties and his whereabouts remained unknown until 2019. He first complained about non-payment of salary in 2019 and purportedly resumed performing duties in 2022, therefore a letter was issued to District Accounts Office to process his salary. It is contended that the petitioner is not entitled to arrears for the period during which he did not perform his duties and that the petition, to that extent, is liable to be dismissed.

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

5. The record reflects that the petitioner was appointed against deceased quota vide order dated 18.01.2013 and joined the department on 15.03.2013; however,

the respondents dispute his actual performance of duties and assert that his whereabouts remained unknown until 2019 and that he resumed duty only in 2022.

6. These rival assertions raise a material factual controversy that cannot be resolved merely on the basis of the appointment order or the petitioner's Service Book. Although the non-issuance of an SAP ID cannot, by itself, justify withholding salary for a period during which the petitioner actually performed his duties, the petitioner needs to establish his attendance and discharge of official functions for the period for which arrears are claimed.

7. Equally, the respondents cannot defeat a legitimate salary claim through their own administrative inaction if the petitioner's actual service is established. The relevant attendance registers, duty rosters, posting orders, inspection reports, salary-processing correspondence and other contemporaneous departmental records are, therefore, required to determine the period for which salary is lawfully payable.

8. Accordingly, the petition merits consideration to the extent of seeking verification of the petitioner's service and processing of his salary claim. The competent authority is directed to conduct a record-based inquiry, after affording the petitioner an opportunity of hearing, and pass a reasoned order within six weeks. If the petitioner's performance of duties is established for any period, his SAP ID shall be created and his salary for that period, together with admissible arrears, shall be released without further delay. Conversely, arrears for any period during which he remained absent or did not perform duties shall not be sanctioned merely on the basis of his appointment, subject to the applicable service rules and any legally permissible justification for such absence.

9. Without touching the merits of the case, the petition is disposed of in the above terms, with no order as to costs.

JUDGE

JUDGE

Karar_Hussain/PS*