HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-2131 of 2019
[Zulfiqar Ali vs. Province of Sindh and others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through Mr. Ghulam Nabi Jarwar, Advocate
Respondents:	Through Mr. Wali Muhammad Jamari Assistant A.G Sindh
Date of hearing	13.11.2026
Date of Decision	13.11.2026

O R D E R
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ADNAN-UL-KARIM MEMON J The petitioner has filed the instant Constitutional Petition under Article 199 of the Constitution, seeking restoration of his salary, payment of arrears from 31.10.2016 onwards, and other service benefits.

2. Learned counsel for the petitioner submits that the petitioner was appointed as Junior Clerk in the Local Government Department on 25.04.2012 and posted at Union Council Budho Qambarni, where he served until 31.10.2016. He claims that his salary was regularly paid, his service book was prepared, and pay fixation was approved. Subsequently, upon reorganization of Union Councils in 2016, he was transferred and adjusted at Union Council Ghazi Khan Chang, District Badin. However, despite resuming his duties, his salary was withheld. Repeated representations submitted to the concerned authorities yielded no response, compelling him to approach this Court.

3. Respondent Nos.5 and 6, Chairman and Secretary of Union Council Ghazi Khan Chang, deny that the petitioner ever joined the said Union Council or that they were responsible for withholding his salary. They contend that the petitioner is not entitled to the claimed relief and seek deletion of their names from the array of respondents.

4. The official respondents, on the other hand, dispute the genuineness of the petitioner's appointment. They contend that the appointment order has not been verified by the Local Government Department and that the petitioner failed to produce the mandatory medical fitness certificate and service record for verification. It is further asserted that the relevant appointment record for the period

2010–2013 was seized by NAB, Karachi, and the petitioner's name does not appear in the seizure memo. Consequently, the appointment order submitted by him is fake and bogus. They also question the legality of his adjustment at Union Council Ghazi Khan Chang, asserting that Union Council Budho Qambarni had not been abolished. Respondent No.1 further submits that Union Council Ghazi Khan Chang is a body corporate under Section 7 of the Sindh Local Government Act, 2013, and is responsible for managing its affairs, including employees' service matters and salaries in accordance with law.

5. In view of the divergent stance taken by the parties, particularly the serious dispute regarding the genuineness of the petitioner's appointment, verification of his appointment order, service book, medical fitness certificate and subsequent adjustment, this Court is of the view that the matter requires proper factual scrutiny and verification of the relevant original record. Such an exercise cannot conveniently be undertaken by this Court in its constitutional jurisdiction under Article 199 of the Constitution.

6. Accordingly, the matter is remitted to the Secretary, Local Government Department, Government of Sindh, who shall examine and verify the entire service record of the petitioner, including the genuineness of his appointment, payment of salary, service book, medical fitness certificate and subsequent adjustment at Union Council Ghazi Khan Chang. The petitioner as well as all concerned official respondents shall be afforded a fair opportunity of hearing, and the relevant record shall be examined before passing a speaking and reasoned order in accordance with law within three months from receipt of this order.

7. The petitioner shall be at liberty to submit all relevant documents in support of his claim before the competent authority, which shall independently examine the matter without being influenced by any observations made herein. The question of entitlement to salary arrears and other service benefits shall also be determined in the light of the outcome of such verification.

8. The petition stands disposed of in the above terms, without expressing any opinion on the merits of the controversy.

JUDGE

JUDGE

Karar_Hussain/PS*