

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4809 of 2016

Date

Order with signature of Judge

Present:

Mr.Justice Muhammad Ali Mazhar
Mr.Justice Adnan-ul-Karim Memon

Muhammad Saeed & others.....Petitioners

V E R S U S

Province of Sindh & others.....Respondents

Date of hearing: 23.12.2016

Syed Shoa-un-Nabi, Advocate for Petitioners.
Mr. Abdul Jalil Zubedi, A.A.G.
Ch. M. Arif, Advocate for KMC.
Mr. Abdul Khalil, Advocate for DMC Central.
Mr. Mirza Saleem Akhtar Baig, Advocate for DMC South.
Mr.Irshad Ali Shar, Advocate for DMC Malir.
Mr. Ahmed Zameer Khan, Advocate for DMC West.
Mr. Abdul Khaliq, Director Education, District West.

Muhammad Ali Mazhar, J: The petitioners have approached this court for directions against their concerned DMCs for the payment of their salaries since August, 2015 and onwards. According to their claim they were appointed as Primary School Teach in BPS-07 in the year 1997 and 2009 by the Education Department, KMC, Karachi and they were posted in different Districts by the respondent No.2. It is further stated by them that since July, 2015 their salaries are stopped without issuing any show cause notice or seeking explanation in this regard. Today the learned counsel appearing for DMCs in one voice stated that the KMC has transferred the petitioners in different DMCs in the month of February, 2016 but till date their personnel files have not been sent to their respective DMCs where the petitioners are performing their duties, therefore, the salary could not be paid. The Director Education, District West is present and he submits

that the Director Education, KMC in one stroke directed to stop the salaries of various persons including the petitioners but no reasons were communicated as to why this drastic action was taken. At this juncture the learned counsel for KMC on instructions submits that Dr. Muhammad Farooq is no more senior Director Education, he further undertakes that Director H.R., KMC will send all personal files of the petitioners to their respective DMCs within a week and on this statement all the learned counsel appearing for the DMCs undertake on instructions of Municipal Commissioners of their respective DMCs that after receiving the aforesaid files of the petitioners, the matter will be examined and if no disciplinary action is found to have been initiated or pending against the petitioners, their salaries will be paid within next two weeks. At this stage the counsel for the DMC West submits that four persons are not reporting for duty. In this regard the action may be taken against them in accordance with law. Since the learned counsel for the DMCs have agreed to some reasonable and viable solution for resolution of the issue in hand, therefore, show cause notice issued to Municipal Commissioners on 17.11.2016 is discharged. Petition is disposed of accordingly.

Judge

Judge

Asif