

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P.No.D-2637 of 2018

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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1. For orders on office objection
3. For hearing of MA-10812/18
4. For hearing of main case.

03.10.2019.

Mr. Bilawal Bajeer, advocate for petitioner.
Mr. Muhammad Ismail Bhutto, A.A.G
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It is the case of the petitioner that he was appointed as Assistant Workshop Instructor in Education Department on 05.09.2012 and was posted at GMS Islamia Qadria Latifabad, but is not being paid salaries. It is in these circumstances, the petitioner has brought the instant constitutional petition before this Court for direction against the respondents to release his salaries.

It is contended by learned counsel for the petitioner that no justification is lying with the respondents to withhold salaries of the petitioner. By contending so, he sought for direction against the respondents to release the salaries of the petitioner.

Learned A.A.G has sought for dismissal of the instant constitutional petition by contending that the petitioner has an alternate remedy to exhaust under Article-212 of the Constitution of Islamic Republic of Pakistan.

We have considered the above arguments and perused the record.

If it is believed that the petitioner was lawfully appointed as Assistant Workshop Instructor in Education Department and then was posted in a school, then his status would be that of the public servant. If for the sake of arguments, it is believed that no salary for work done is being paid to the petitioner by his department then such issue relating to terms of service of public servant could only be adjudicated upon by the Service Tribunal having jurisdiction. The filing of instant constitutional petition before this Court obviously is barred under Article-212 of Constitution of Islamic Republic of Pakistan. It is dismissed accordingly.

JUDGE

JUDGE

Ahmed/Pa,