

**THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

C.P No. D- 3365 of 2016

**Before:**  
**Mr. Justice Nadeem Akhtar**  
**Mr. Justice Adnan-ul-Karim Memon**

Petitioner : Zubair Ahmed through Mrs. Razia Ali Zaman  
Patoli, Advocate

Respondents : Through Mr. Allah Bachayo Soomro, Addl.  
Advocate General, Sindh.

Date of hearing  
& decision : 12.12.2019

**ORDER**

**ADNAN-UL-KARIM MEMON, J:-** Through this petition, the petitioner is seeking cancellation of letter dated 11.4.2016, whereby the inquiry proceedings initiated against him were revived.

2. We queried from the learned counsel as to how this petition is maintainable against the letter dated 11.4.2016. She replied that petitioner was appointed as Primary School Teacher and joined his duties on 9.4.2015 at Government Boys Primary School Manik Leghari and since then his salary has not been paid, therefore, he has approached this Court.

3. Conversely, learned A.A.G. states that the petitioner was attending the regular classes of Bachelor of Engineering in Mehran University of Engineering and Technology, Jamshoro upto 8.11.2015 and he was absent from his duties; however, he has managed his attendance from the aforesaid school. We asked learned A.A.G. as to what action they have taken against the petitioner, he replied that an inquiry was conducted against him vide letter dated 5.4.2016 which is concluded as under:

*“in the light of above evidences & findings it is stated that Mr. Zubair Ahmed PST of this School has been attending his School duties properly. However muster roll and other evidences i-e Statement of Teaching Staff, Head Teacher, etc are enough proofs about his regularity.*

*Furthermore Department & School administration is unaware that how he has managed his attendance during the last Semester of his Studies in MUET (Mehran University of Engineering & Technology) Jamshoro because he has been at School in the whole period.”*

4. We again asked learned A.A.G. whether salary of the petitioner can be stopped. He replied that in the case of suspension the salary cannot be stopped. However, he agreed to the disposal of this petition with direction to the competent authority to release the salaries of the petitioner forthwith.

5. In the light of above factual position of the case, the competent authority of respondents is directed to release the salary of the petitioner forthwith and submit compliance report to the Additional Registrar of this Court. Regarding the alleged absence of the petitioner from his duty and the alleged manipulation of his attendance, needless to say that the department / respondents will be at liberty to take action against him strictly in accordance with law without being influenced with this order.

6. The petition stands disposed of in the above terms. Let a notice be issued to the respondents for compliance.

**JUDGE**

**JUDGE**

*\*Fahad Memon\**