

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD.**

C.P. No.D-1485 of 2016.

C.P.No.D-685 of 2016.

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**DATE      ORDER WITH SIGNATURE OF JUDGE**

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For orders on office objection.

For katcha peshi.

08.06.2017.

Mrs. Razia Ali Zaman Khan, Advocate a/w Petitioner Khalid Waheed.

Mr. Allah Bachayo Soomro, Addl. A.G.

Mr. Muhammad Arshad Pathan, Advocate for Petitioner in CP No.D-685/16 and respondent No.2 in CP No.D-1485/16. Respondent No.2 is present in person.

Mr. Amanullah Shaikh, Advocate for respondents No.3 to 5 in CP No.D-685/16.

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Learned counsel for the Petitioner in CP No.D-1485/16 submits that the long outstanding salary of the petitioner is not being released by respondent No.2 on false pretext that funds are not available, whereas the order passed by Principal/respondent No.2 against the petitioner has been duly set aside by the competent authority i.e. Director (Administration) Sindh Technical Education & Vocational Training Authority vide order dated 01.3.2016. It has been further contended by learned counsel for Petitioner that respondent No.2 is lingering the matter malafidely, whereas the Petitioner is still serving in the Government Habib College of Technology, Nawabshah as Accountant in BPS-11. Per learned counsel, the Petitioner was being

regularly paid his salary in respect of such post till March, 2016, whereafter, the respondent No.2 passed an illegal order dated 18.2.2016 which has been duly set aside by the competent authority, therefore, there is no lawful justification to withhold the salary of the Petitioner. Per learned counsel, the bill of the Petitioner is not being forwarded by the respondent No.2 who is the DDO as well to the District Accounts Officer for payment of the outstanding salary amount to the Petitioner. While confronted with above factual and legal position, learned counsel for respondent No.2 could not controvert such fact, however, submits that since a constitution petition No.D-685 of 2016 has been filed with the prayer to set aside the order passed by Director (Administration) Sindh, therefore, the bill of the Petitioner has so far not been forwarded to the District Accounts Officer, however, submits that if this Hon`ble Court may issue such directions, the compliance shall be made.

It appears that Petitioner Khalid Waheed is still performing his duty in the Government Habib College of Technology, Nawabshah as Accountant in BPS-11 and presently assigned the work at Government Mono Technical Institute, Nawabshah, whose salary has been stopped by the respondent No.2 without lawful authority, whereas the order passed by respondent No.2 has been duly set aside by the Director (Admn.) STEVTA which has neither been suspended nor set aside by any competent forum. Accordingly, respondent No.2 Principal, Habib College of Technology, Nawabshah, who is present in Court, is directed to forward the salary bill of the Petitioner within two days from the date of this order and submit report compliance before next date. Respondent No.2/Principal, Government Habib College of Technology, Nawabshah present in Court undertakes to comply the

order of this Court within three days. The concerned District Accounts Officer shall process the paid bill within shortest possible time, before EID in accordance with law.

Let both these matters be fixed after soon summer vacation, when all the learned counsel shall come prepared and proceed with the matters at katcha peshi stage.

JUDGE.

JUDGE.

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