

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

C.P. No.D-2993 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE (S)
------	-----------------------------------

**Before;**

Mr. Justice Muhammad Shafi Siddiqui.  
Mr. Justice Irshad Ali Shah.

**Date of hearing:** 21.04.2022

**Date of decision:** 28.04.2022

Petitioner Javed Iqbal in person.  
Mr. Ayaz Ali Rajpar, Assistant Advocate General, Sindh.  
Mr. Imdad Ali R. Unar, Advocate for Municipal Committee Qasimabad.  
Mr. Kashif Hussain Agha, Advocate for the respondent No.7.

==

As per petitioner, he was appointed as Junior Clerk by Taluka Municipal Administration Tando Ghulam Hyder in year 2009 and then in year 2012 was transferred therefrom to Taluka Municipal Administration Qasimabad. Subsequently he was posted as a High School Teacher in Municipal High School Giddu Hussainabad Qasimabad, there he was discharging his duty honestly. In the meanwhile, in year 2016 under the direction of Secretary Local Government Sindh, he and all other employees of out of District Council were relieved by Chief Municipal Officer, Municipal Committee Qasimabad to report to their parent Department. Consequently he reported for his duty to Chief Municipal Officer Taluka Administration, Tando Ghulam Hyder, there he was not allowed to join his duty. It was in these circumstances, the petitioner has filed the instant petition seeking direction against the Chief Municipal Officer, Taluka Administration Tando Ghulam Hyder to allow him to join his duty and release his salary.

As per comments, filed by Administrator, Taluka Municipal Administration, Tando Ghulam Hyder, in all 710 employees submitted their documents for scrutiny. However, only 592 employees turned up for verification process. Most of the employees have been appointed on 04.11.2009 by the then Taluka Municipal Officer Tando Ghulam Hyder, without completing codal formalities and sanction of budget, therefore, those appointments seem to be fake/bogus and no record of such appointments is

available as it was burnt, for that an F.I.R has already been lodged with P.S. Tando Ghulam Hyder.

It is contended by the petitioner that he was appointed lawfully and he is not being allowed to join his duty without lawful justification, therefore, Taluka Municipal Administration Tando Ghulam Hyder to be directed to take him back in service and release his salary.

Learned Assistant Advocate General, Sindh and learned counsel for the respondents have sought for dismissal of the instant petition by contending that the appointment of the petitioner seems to be fake/bogus and no bogus document constitutes a legal right and subsequent transfer orders have been managed by the petitioner to cover-up his wrong.

Heard arguments and perused the record.

Apparently no service record of the petitioner is available with the Office of Town Committee Tando Ghulam Hyder. Nothing has been brought on record by the petitioner which may suggest that the posts for which he was appointed was actually advertised; the selection committee was constituted and he was interviewed prior to his actual appointment. In absence of such information, it would be hard to conclude that the petitioner was actually appointed after observing all the codal formalities. In that situation, the contention of learned Assistant Advocate General, Sindh and learned counsel for the respondents that the appointment order of the petitioner seems to be fake/bogus could not be lost sight of. The subsequent transfer orders of the petitioner from one to other Town Committee, if any, could hardly be taken as a conclusive proof that he was legally appointed. Even otherwise, the appointment of the petitioner having been made legally or it is fake/bogus involving factual controversy could not be resolved by this Court, in exercise of its constitutional jurisdiction; consequently the instant petition being misconceived is dismissed accordingly.

JUDGE JUDGE