

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 2046 of 2014

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For hearing of CMA No.6655/2014 (S/A)
2. For hearing of main case

20-09-2022

Mr. Muhammad Aslam Jatoi, Assistant Attorney General.
Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh.

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None present for the petitioners. It appears that vide order dated 08-03-2022, this Court directed the learned Counsel for the petitioners to come prepared and assist the Court on the next date of hearing as perusal of the comments of respondents No.1 to 6 showed that there are factual controversies in the matter. Thereafter, the matter was adjourned to 14-04-2022 when brief was held for learned Counsel for the petitioners; after that, matter was adjourned to 25-05-2022 and again brief was held on behalf of learned Counsel for the petitioners; then matter was fixed on 17-08-2022 but again learned Counsel for the petitioners was not in attendance and brief was held on his behalf; and today neither petitioners nor their Counsel is in attendance and no intimation is received.

Through instant petition, the petitioners seek declaration to the effect that withholding of their salaries since the month of June 2013 is illegal, void, ab-initio and against the principles of natural justice. The petitioners are also seeking directions to the respondents to release their salaries forthwith from the month of June 2013.

In response to the claim of the petitioners, comments have been filed by the respondents, wherein it is categorically stated that petitioner No.1 provided fake information about his appointment. It has further been

stated that the petitioners were paid honorarium but not salary up to 2009 and petitioner No.1 tendered his resignation on 03-07-2011, hence, he has no right to claim honorarium after his resignation. The honorarium of petitioner No.2 was released up to June 2013. Ministry of Federal Education and Professional Trainings, Government of Pakistan, hired some NGOs to validate the status of Basic Education Community Schools (BECS) across the country in April 2013, and as per report of Third Party Validation, school of petitioners No.2 & 3 was found ghost / closed / non-functional.

The perusal of the above comments shows that this petition carries factual controversies, which cannot be decided by this Court in its Constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973; hence, this petition being not maintainable is **dismissed** accordingly along with listed application.

J U D G E

J U D G E

Abdul Basit