

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 284 of 2019

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

- 1.For orders on office objection
- 2.For hearing of CMA 955/2019
- 3.For hearing of main case

22-09-2022

Mr. Nisar Ahmed Bhanbhro, Advocate for the Petitioners.
Mr. Noor Hassan Malik, Assistant A.G – Sindh along with Ahmed Bux Qasmi, Additional Director on behalf of Regional Director (Colleges), Sukkur Region, Sukkur.

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This case has chequered history. It is case of the petitioners that they were appointed as Laboratory Assistant, Naib Qasid, Computer Operator, Lab Attendant, Computer Lab Attendant, Plumber and Computer Lab Attendant vide appointment orders dated 27.10.2011, 19.11.2011 and 31.10.2011 in College Education Department by the then Regional Director (Colleges), Sukkur Region Sukkur (respondent No.5). They joined their services and were posted at different places and since 2011, they have been continuously attending their duties, but as their salaries were stopped, they and other employees filed C.P.No.D-266 of 2012 seeking directions for release of their salaries, which was disposed of by this Court vide order dated 16.12.2014 with the consent of the parties for payment of the salaries to 166 employees whose appointments after scrutiny by the department were found genuine. The respondents preferred Civil Appeals Nos.102-K to 140-K of 2015 which were allowed by the Hon'ble Supreme Court of Pakistan vide order dated 13.11.2015 and the cases of the employees who were appointed by the respondents, were remanded to the Sindh Service Tribunal ("**the Tribunal**"). The Tribunal disposed of said Civil Appeals with certain directions to the respondents vide order dated 26.11.2015. In compliance whereof, the respondents constituted a Committee to scrutinize

the genuineness of the appointments of the petitioners and other employees and found appointment of 166 employees including the present petitioners as genuine, as per claim of the petitioners. Subsequently, petitioners and some other employees preferred Execution Applications before the Tribunal, wherein the respondent No.5 appeared and filed statement that HR-IDs of the petitioners would be opened and they will be paid their salaries in accordance with law. Then, the IDs of the petitioners were opened and they started getting their salaries. It was thereafter impugned letter bearing No.SO/HE-I)Misc-1637/2018 dated 10.01.2019 was issued by the Government of Sindh, College Education Department to the Director Generals (Colleges), Karachi and Sukkur, which reads as under:-

“SUBJECT: OPENING OF HR ID OF THE EMPLOYEES

I am directed to inform you that this office has learnt that the order of Sindh Services Tribunal have been misinterpreted by the lower functionaries as well as office of Regional Director specially in relation to the appeals filed in the year 2016-2017.

This office has categorically directed the implementation of order of Sindh Services Tribunal communicated in October 2018, in the letter & spirit. However the other appeal which are subjudice or and have not attained finally have also been made part of the instant order, which is in contravention to the spirit of judgment.

Hence forth this letter issued by the office SO(HE-I)Misc-1637/2018 dated 17-sept-2018 is hereby withdrawn”.

Sd/-
SECTION OFFICER (HR-I)”

In consequence of aforesaid letter, the respondent No.5 i.e. Regional Director (Colleges), Sukkur Region Sukkur issued a letter dated 16.01.2019 to the District Accounts Officers, Sukkur / Khairpur / Ghotki for withdrawal of letter for opening of IDs issued by his office in respect of 33 employees including the present petitioners on the ground that their appointments were erroneous.

After hearing learned counsel for the petitioners and learned AAG, we have found that impugned letters dated 10.01.2019 and 16.01.2019, issued by the respondent No.5 are vague as they do not contain the names of the

employees whose Civil Appeals were sub judice or had not attained the finality, but their names were made part of the order passed by the Tribunal in contravention of the order. So much so, it is not clear if the names of the present petitioners were also included in the said undecided Civil Appeals.

We, therefore, with the consent of the learned counsel for the petitioners as well as learned AAG set aside both impugned letters dated 10.01.2019 and 16.01.2019, issued by the Government of Sindh, College Education Department and the Regional Director (Colleges), Sukkur Region Sukkur (respondents No.1&5 respectively) and refer the matter to the Secretary, College Education Department, Government of Sindh to decide the case of the petitioners after giving them an opportunity of being heard and pass a speaking order as to whether their case is covered under the order / judgment of the Tribunal, communicated to him in October, 2018, as referred to in his letter dated 10.01.2019 or not, within a period of 60 (Sixty) days hereof. In case, the Secretary, College Education Department comes to the conclusion that the petitioners' case is covered by the Judgment of the Tribunal, their IDs shall immediately be opened.

The instant petition stands **disposed of** in the above terms.

J U D G E

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Ahmad