

ORDER SHEET

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

C. P. No. D - 4719 of 2015

C. P. No. D - 1338 of 2015

C. P. No. D - 4720 of 2015

Date of hearing	Order with signature of Judge
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**Hearing of case**

1. For orders on office objection at Flag-A
2. For hearing of main case

**26.04.2023**

Mr. Achar Khan Gabol, Advocate for the petitioners.

Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh.

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1. Through these Constitutional Petitions, the petitioners, *inter alia*, seek declaration to the effect that the act of respondents not releasing salaries to the petitioners since date of their joining of duties to till date without plausible reason is illegal, improper, void *ab initio*, without lawful authority and against the existing policy of Government of Sindh.

2. It is alleged by the learned counsel for the petitioners that vide their respective orders, the petitioners were appointed as Abdar, Daroghas & Tube-well Operators (BPS-05) and Beldars (BPS-02) in Ghotki Division (Irrigation) Ghotki, Ghotki Tube-well Division Ghotki and Mirpur Division (Irrigation) Mirpur Mathelo back in the year 2011, 2012 and 2013, but they have not been paid their monthly salaries. The alleged appointment orders of the petitioners of various dates, annexed with the memos of petitions, reflect that they were appointed on their respective posts purely on temporary basis, which were liable to be terminated at any time without assigning any reason thereof with condition that their services shall be governed by the Sindh Civil Servants Act and the Removal of Service (Special Powers) Sindh Ordinance, 2000/2001 and other rules being enforced by the Sindh Government from time to time.

3. On being served, respondents-Executive Engineers filed their para-wise comments, which reflect that after verification of the record of their respective offices it has been observed that none of the petitioners was issued appointment letter, and the appointment letters filed by them bear forged signatures of the then Executive Engineers. It has further been stated that the posts falling in BPS-03 to BPS-15 are to be filled only on the recommendation of Departmental Selection Committee ('D.S.C.') and not otherwise, and nothing has been brought on record to establish that the case of the petitioners for their appointment was recommended by the D.S.C.

4. The petitioners have failed to rebut the comments so filed by the respondents-Executive Engineers concerned by producing any documentary evidence on record. Even they have not produced any document to establish that after receiving so-called appointment letters, they performed their respective duties in concerned Divisions of Irrigation Department and they were ever issued any letter for opening of their bank accounts and I.Ds in District Accounts Offices concerned for the purpose of salary; hence, the petitioners have failed to make out their case for the grant of relief sought by them. Accordingly, all three listed petitions are **dismissed** along with pending application(s), if any, being devoid of any legal merit.

Office is directed to place a signed copy of this order in the captioned connected petitions.

J U D G E

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Abdul Basit