

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constt. Petition No. D - 1703 of 2023

1.For orders on CMA 7325/2023.

2.For orders on o/obj. at Flag'A'.

3.For orders on CMA 7326/2023.

4.For Hearing of main case

Petitioner : Mumtaz Ali Ansari through Sajjad
Hussain Dayo Advocate.

Respondents : Nemo.

Date of hearing : 28.11.2023

ORDER

YOUSUF ALI SAYEED, J. - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, claiming the differential amount of salary from the year 2019 to date.

2. Upon filing of the Petition, the Office had raised an objection as to its maintainability in as much as an earlier Petition had already been filed on the same subject. Indeed, Para-16 of the Memo of Petition itself reflects that this is so, in as much as it has been stated therein as follows:-

“16. That this is the 2nd Constitution Petition of present petitioner regarding differences of salaries amount for payment, 1st constitution petition is CP D. NO 1298/2022 re-Mumtaz Ali Ansari vs P.O Sindh and others, in which an order passed by this Honourable Court.”

3. The Order dated 14.09.2023, whereby the aforementioned Petition was disposed has also been filed as Annexure-E-I at Page – 79 of the file, and reads thus:-

“Petitioner has filed this petition seeking directions to respondents to pay him difference of his salary outstanding against respondents. According to petitioner’s counsel, he is Sanitary Inspector, but when we have asked him certain questions about his duty, he has failed to reply the same to establish he is performing duty. A person, who is even not performing his duty, is not entitled to discretionary relief under the constitutional jurisdiction. The Town Officer further submits that petitioner has encroached upon public library and is not vacating the same. The Town Officer is directed to resolve the issue of difference of salary of the petitioner in accordance with law, but only after he vacates the public library and starts performing his duty, for which he shall submit his proof.

Accordingly, this petition is disposed of in the above terms.”

4. Under the circumstances, it is apparent that this Petition is misconceived. Hence, while granting the application for urgency, we hereby dismiss the Petition in *limine* along with the other pending miscellaneous application.

JUDGE

JUDGE

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