

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

**Before;**

***Adnan-ul-Karim Memon, J;***  
***Muhammad Abdur Rahman, J;***

***C.P.No. D - 1217 of 2017.***

Naseem Fatima v/s P.O Sindh and ors.

***C.P.No. D - 1826 of 2018.***

Shoaib Ahmed Mangi v/s P.O Sindh and ors

***C.P.No. D - 800 of 2021.***

Talib Hussain Sahito v/s P.O Sindh and ors

***C.P.No. D - 1396 of 2023.***

Shahzado Ali Channa and ors v/s P.O Sindh and ors.

***C.P.No. D - 1515 of 2023.***

Rasheed Ahmed Kandhro v/s P.O Sindh and ors

***C.P.No. D - 1522 of 2023.***

Shahzado Bhutto v/s P.O Sindh and ors

***C.P.No. D - 1546 of 2023.***

Rafiqullah Larik v/s P.O Sindh and ors

***C.P.No. D - 1595 of 2023.***

Ghulam Sarwar Zardari v/s P.O Sindh and ors

***C.P.No. D - 1710 of 2023.***

Javed Hussain Shar and ors v/s P.O Sindh and ors

***C.P.No. D - 1736 of 2023.***

Fateh Muhammad Lashari v/s P.O Sindh and ors

***C.P.No. D - 401 of 2024.***

Mujeeb Rehman Ansari v/s P.O Sindh and ors

**For Hearing of Case.**

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**Date of hearing and order 23-05-2024.**

M/s.Ghulam Hyder Daudpoto, Irfan Ali Soomro, Hamid Ali Memon, Akhtiar Ahmed Hesbani, Achar Khan Gabole, Muhammad Raza Soomro, Ahsan Ali Lund, Shaharyar Shar, Muhammad Hanif Maitlo and Abdul Naeem Pirzada, Advocates for the petitioners.

M/s.Shaharyar Awan A.A.G.

Adnan Sabit Ali, Secretary U.C Darbelo Vijay Kumar Audit Officer, Naushahro Feroze present.

## **ORDER**

***Adnan-ul-Karim Memon J:*** All the above referred Constitutional Petitions are being disposed of vide this Single order, as common questions of law and facts are involved therein. The Petitioners are seeking direction to the official respondents in their respective petitions to release their monthly salary, which has been stopped without reason.

2. Upon, query by this Court from the learned AAG as to why the salaries of the Petitioners have been stopped. Learned AAG, in some cases without filling comments, has stated that the captioned Petitions are not maintainable on the premise that their basic appointments needs to be verified by the competent authorities at the first instance and their issues could be resolved at the administrative level. Be that as it may, we are only concerned with the resolution of the matter between the parties at the end of the heads of their department under the law within a short period, as these matters are piling up on account of the lethargic attitude of the official respondents; even they failed to reply the notices of this court, leaving this court with no option but to remit the matters to the competent authority to resolve their issues of salaries and other ancillary issues by hearing them.

3. We have heard the learned Counsel for the parties present in court and perused the material available on record on the aforesaid pleas.

4. The pivotal question before us is whether the salaries of the Petitioners can be withheld without providing an opportunity for a hearing.

5. In our view, he who seeks equity must do equity and approach the Court with clean hands, ill-gotten gains cannot be protected. It is argued by the Respondents that Petitioners had got their appointments through the backdoor and, thus cannot agitate any grievance on the pretext of denial of due opportunity of hearing to them.

6. We, based on contentions of the parties with the material produced before us, have concluded that we cannot determine the veracity of these documents, their claims, and counter-claims as these are disputed questions of facts between the parties, which cannot be adjudicated by this Court while exercising the Constitutional Jurisdiction.

7. In view of the foregoing, this Court cannot give sanctity to the appointment letters of the Petitioners and other documents produced by them and leave it for the Competent Authority to determine the genuineness or otherwise of the documents, claims, and counter-claims, about the salary issue and other ancillary issues, therefore, on the aforesaid plea the Constitutional Petitions filed by the petitioners cannot be maintained.

8. This Court, on the subject issue, seeks guidance from the pronouncement of the Judgment of the Supreme Court in the case of the Government of Punjab through Chief Secretary and others vs. Aamir Junaid and others [2015 SCMR 74], which provides guiding principle on the aforesaid issues.

9. In the light of dicta laid down by the Supreme Court in the case of Government of the Punjab supra, we direct the Chief Secretary, Sindh to constitute a Committee headed by him and comprising of the Secretary, concerned Department, and another appropriate member co-opted by him, conduct an inquiry of alleged stopping of salary, fraud/forgery if any in the appointments and subsequent events, after providing ample opportunity of hearing to the Petitioners and fix responsibility in the matter and take action against the delinquent officials strictly under law and the observations made by the Supreme Court in the aforesaid case and submit a report to this Court through Additional Registrar of this Court, within three weeks, from the date of receipt of this order. However, if the appointment of the petitioners is found genuine their salary must be released forthwith after proper proceedings.

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