

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 2082 of 2017

(Muhammad Haneef Bugti & others versus Province of Sindh & others)

Present:

Mr. Muhammad Iqbal Kalhoro, J.

Mr. Arbab Ali Hakro, J.

For directions

1. For orders on CMA No.21632/2021 (151 CPC)
2. For orders on CMA No.6635/2021 (C/A)
3. For hearing of CMA No.6864/2021 (C/A)

Date of hearing : **20.02.2024**

Date of decision : **20.02.2024**

M/s Sohail Ahmed Khoso and Abdul Qadeer Khoso, Advocates for petitioners.

M/s Manzoor Hussain N. Larik and Waqar Ali Phulpoto, Advocates have filed power on behalf of petitioner No.8.

Mr. Ali Raza Baloch, Assistant Advocate General Sindh, who has filed a statement along with certain documents, along with Dr. Akhtiar Hussain Mirani, District Health Officer, Khairpur.

ORDER

Muhammad Iqbal Kalhoro, J. – This petition, filed for release of salaries by petitioners claiming to be low paid employees in the Health Department, was disposed of vide order dated 23.01.2018, in the terms whereby Secretary Finance, Government of Sindh was directed to release the requisite funds for payment of entire outstanding salaries to all the petitioners without fail latest by 28.02.2018.

2. Since the compliance was not made, an application for contempt of Court bearing CMA No.5773/2018 was filed, which was, however, dismissed by this Court vide order dated 06.10.2020 holding that in the probe conducted by NAB, petitioners' appointment was found fake. At the same time, a review application was filed by the Government against the order dated 23.01.2018, which, however, on the point of limitation, being barred by time, was dismissed on 04.06.2021. After dismissal of that application, the petitioners have repeated contempt

applications listed as CMA No.6635/2021 and 6864/2021 considering the order dated 23.01.2018 still in the field. They have pleaded for taking action against the alleged contemnors for not complying with the order dated 23.01.2018, in these applications.

3. We have heard the parties and perused material available on record. Learned Counsel for petitioners / applicants, arguing their case, have pleaded for taking action against alleged contemnors. On the other hand, learned AAG, opposing the contempt applications, has relied upon the cases of Syed Masood Alam Rizvi and others v. Dr. Muhammad Saeed and Dr. Muhammad Saeed v. Syed Masood Alam Rizvi (**2009 SCMR 477**), Habib-ur-Rehman v. Sardar Adnan Khurshid, Collector District Bhimber and 4 others (**2016 YLR 1073**), Pakistan Telecommunication Company Ltd. v. M. Rafique and 2 others (**2018 PLC (C.S.) 169**), Syeda Anis Sughra Jafri and others v. Province of Sindh through Chief Secretary Sindh and others (**2020 PLC (C.S.) 557**), Raja Naveed v. Province of Sindh through Secretary and 6 others (**2021 PLC (C.S.) 1573**) and **2024 PLC (C.S.) 139**.

4. In reply to the listed applications, Additional District Accounts Officer-I, Khairpur has filed a statement dated 10.10.2023 stating 09 cases out of 33 petitioners were received in their office through DDO concerned. In scrutiny of the record, the medical certificates in eight cases sent to Medical Superintendent, Civil Hospital vide letters dated 25.08.2023 and 06.09.2023, were declared as bogus.

5. In view of such factual findings, the contempt applications do not appear to be maintainable. Earlier application in this regard was also dismissed. It is settled that fraud vitiates all claims to a right rooted in howsoever solemnity. We, therefore, find the listed applications meritless and accordingly **dismiss** them.

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