

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No. D- 3595 of 2020

Date Order with signature of Judge

Priority.

1. For hearing of CMA No. 14934/2020.
 2. For hearing of main case.
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29.11.2022.

Mr. Wali Khan, Advocate for Petitioner.
Mr. Abdul Jalil Zubedi, Additional Advocate General.

Through this petition, the Petitioner seeks release of his salaries with effect from November, 2016. Notice was ordered and comments have been filed, wherein, a specific plea has been taken on behalf of answering Respondent that not only the Petitioner's appointment was bogus and managed; but so also he has been called absent from duty since August, 2016. While confronted, Petitioner's Counsel submits that since appointment of the Petitioner in 2013, he was regularly being paid salaries, and therefore, at this belated stage his appointment order cannot be challenged. He has also referred to the Petitioner's Bank Statement to substantiate that earlier he was being paid salaries

We have heard the Petitioner's Counsel as well as learned Additional Advocate General Sindh and perused the record. As to the argument that the Petitioner's appointment cannot be objected belatedly, we are afraid this is not a correct approach in every run of a mill case, notwithstanding judgments of the Courts to this effect. One must always first look into the facts of such cases before drawing any final conclusion as to the claim of a person in respect of his appointment. Moreover, while sitting in this Constitutional jurisdiction this Court even otherwise cannot look into this factual aspect of the matter. Notwithstanding the disputed appointment of the Petitioner, and even payment of certain salaries, as per comments of Respondents he has been called absent from duty from August 2016, and therefore, not entitled for release of any salaries, as claimed. Apparently no rejoinder has been filed to such objection; whereas, this Court in its constitutional jurisdiction cannot determine this factual aspect, as well.

In view of hereinabove facts and circumstances, of this case, since a factual dispute is involved; this petition is not maintainable; hence dismissed with pending application(s).

J U D G E

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Ayaz P.S.