

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Const. Petition No.D-951 of 2014

Date of hearing	Order with signature of Judge.
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For Directions

- 1.For orders on CMA 4894/24
- 2.For orders on CMA 2041/24
- 3.For order son CMA 1869/24
- 4.For orders on CMA 271/24
- 5.For orders on CMA 272/24
- 6.For orders on CMA 2273/24
- 7.For orders on CMA 1479/18

19-11-2024

Mr. Achar Khan Gabol, Advocate for the petitioners.

Mr. Imtiaz Ali Abbasi, Advocate holds brief on behalf of Mr. Shafqat Raheem Rajput, Advocate for Cadet College, Pano Akil.

Mr. Ali Raza Baloch, Assistant A.G Sindh.

Haji Khan, Mess Manager/Focal Person on behalf of Principal, Cadet College and Naeemullah, Bursar, Cadet College, Pano Akil are present.

This Court after lengthy arguments has come to a conclusion that in fact advertisement for the appointment of the petitioners was placed through District Coordination Officer, Sukkur, as per Annexure-A of the Statement filed by AAG on 07.05.2024. Thereafter, appointment letters were even issued to the petitioners by the office of EDO (Education), Sukkur on behalf of District Coordination Officer, Sukkur to the extent that selection of the petitioners was also made by the District Committee for Cadet College, Sangi in the absence of any member from the Cadet College, Sangi and appointments were made for one year on contract basis.

The stance of the Cadet College is that the petitioners were inducted into the Cadet College through maladministration of the District Education Officer and salaries were paid from 01.11.2008 to 30.06.2012 to the petitioners from the payment received to the Cadet College through Director School Education Sukkur in the designated account. The stance of the Cadet College is also that the petitioners were employee of the Government of Sindh/Education Department, Sukkur and as long as grant-in-aid was made to the College, their

salaries were paid and eventually, their salaries were not paid after 2013, when petitioners chose to file the instant petition, on which through order dated 27.02.2020 this Court ordered that salaries must be paid to the petitioners from the sums of Rs.75,594,000/- having been released in the favour of the Cadet College, which sums were used by the Cadet College for making payment of the arrears of the salaries between the period of June, 2013 to August, 2017 and where after, once again petitioners are standing before this Court requesting that orders be passed so that sufficient grant be made to the College in order to pay salaries of the petitioners.

This Court vide order dated 07.03.2024 referred the matter to the Chief Secretary, Government of Sindh to resolve the issue of the petitioners (who claimed that they are employees of Education Department, Government of Sindh) and put at the disposal of the management of Cadet College. Seemingly, that meeting took place and statement was filed to this Court on 07.05.2024 detailing the decisions made and the responsibility assigned to which party, where once again the Principal, Cadet College was directed to approach the Government of Sindh for grant-in-aid, which process is still under the way, however, Focal person of the Cadet College is present and states that no further grant has been received after that order.

Seemingly, this Court has been engaged as a vehicle to swift funds from Government of Sindh to the College for the payment of salaries by the College of the employees, who were not even employees of the College rather District Government (presently Government of Sindh). The Focal Person states that they are only using services of the petitioners in compliance of this Court's orders and they have no value of their services and they should be relieved back and repatriated to the District Government (Government of Sindh, College Education Department) for treatment in accordance with law.

Counsel for petitioners as well as the petitioners present do not object to such a proposal, however, state that the responsibility of making payments of the wages of the petitioners who have worked

from 2017 onward lies with the Cadet College and it should be clearly marked out as to which entity has to make payment of their salaries, i.e. the Government of Sindh or the Cadet College.

In the given circumstances, where various vicious contempt proceedings have been initiated against various orders of this Court to get the funds from the Government of Sindh for the payment of salaries of the petitioners and as decided in the meeting held under the chairmanship of Chief Secretary, Government of Sindh, Secretaries, Law, Finance, College Education, Secretary (Services) & Secretary (I&C), SGA&C Department, Special Secretary, School Education Department and Additional Advocate General Sindh, where the Cadet College is not inclined to retain the services of the petitioners, the Government of Sindh, College Education Department is directed to take over the further responsibility as to future role of the petitioners i.e. where they are needed to be placed, meaning in which College/School and at what position and payments of salaries would be directly paid to them by the Government of Sindh, College Education Department, as per its usual procedure after deciding fate of the petitioners in accordance with law.

The Focal Person undertakes to issue appropriate letters discharging the services of the petitioners from Cadet College Pano Akil and leaving them to the disposal of Secretary, College Education Department, Government of Sindh for appropriate assignments and payment of past salaries and future compensation etc.

In the given circumstances, listed contempt applications are **disposed of** accordingly. This is a disposed of matter, let the file be consigned to record.

JUDGE

JUDGE