

57

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Constitutional Petition No.D-1264 of 2013.

DATE OF HEARING 30.04.2014.	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
--------------------------------	--

PRESENT:

Mr. Justice Naimatullah Phulpoto,
Mr. Justice Salahuddin Panhwar,

For Katcha Peshi.

PETITIONER : Nadir Ali Abro, through Mr. Ali Raza Pathan, Advocate.

RESPONDENTS : Province of Sindh & others, through Mr. Ameer Ahmed Narejo, State Counsel.

NAIMATULLAH PHULPOTO, J.- Through this Constitutional

Petition filed on 7.11.2013 petitioner, has prayed for the following reliefs:

- a) *That, this Hon'ble Court may be pleased to direct respondents to release/pay salaries of the petitioner from the date of his joining service, i.e. 08.11.2012, without any further delay and to continue it regularly.*
- b) *That, this Hon'ble Court may further direct respondents not to create any hurdle in respect of release of salary of petitioner in future.*

2. Case of the petitioner is that after fulfillment of all the codal formalities he was appointed as Vaccinator (BPS-06) in the Health Department, Govt. of Sindh. Presently, he is serving under the Administrative control of respondents No.2 and 3. Reference has been made in the petition to the Photostat copies of the appointment order, physical fitness certificate, service book and attendance register of the petitioner. It is further stated that petitioner is performing his duties honestly and punctually. Petitioner's grievance is that since the date of his joining service i.e. 08.11.2012, he has been deprived of monthly salary without assigning any reason. Petitioner has stated that he is the sole bread-earner of his family and on account of non-payment of the salary he passes hard days. Petitioner approached several times to the respondents for payment of the salary, but without any success. Finding no other way, instant petition is filed.

3. Notices were issued to respondents as well as A.A.G.

4. District Health Officer, Jacobabad/respondent No.2 in comments admitted that father of the petitioner, namely, late Hizbullah Abro was working as Vaccinator in the Health Department under his Administrative control, who died his natural death and the respondent No.2 appointed petitioner Nadir Ali as Vaccinator (BPS-06) on deceased quota on humanitarian grounds vide his Office Order No.DHO/JCD/7179/85, dated 7th November, 2012. Respondent No.2 in the comments has further stated that District Accounts Officer, Jacobabad was approached for opening of ID of the petitioner for his salary, but he refused to open the I.D for want of approval by the competent authority. Thereafter, Govt. of Sindh, Health Department, issued a letter to the respondent No.2 for forwarding cases of deceased quota verified by Deputy Commissioner. Consequently, case of the petitioner was forwarded to the Deputy Commissioner, Jacobabad on 25.7.2013. Office of Deputy Commissioner, Jacobabad wrote a letter to the Deputy Commissioner, Larkana vide his letter No.DC/EB/398, dated 02 September, 2013 for furnishing the genuineness of Heirship and Death Certificates. Thereafter, Deputy Commissioner, Jacobabad forwarded the case of the petitioner to the Secretary, Govt. of Sindh, Health Department vide his letter No.DC/PS/416 of 13, dated 11th September, 2013. Respondent No.2 has admitted in the comments the services rendered by the father of the petitioner and stated that case of petitioner has been processed to the competent authority for approval. As soon as approval would be received, ID will be issued by District Accounts Officer and petitioner would get salary accordingly.

5. District Accounts Officer, Jacobabad/respondent No.4 in his comments has stated that after receipt of the approval by the competent authority i.e. Secretary, Health Department, salary shall be issued to the petitioner on the completion of codal formalities.

61 88
* —

6. The claim/case of the petitioner is admitted by District Health Officer, Jacobabad/respondent No.2. Mr. Ameer Ahmed Narejo, learned State Counsel, conceded the appointment of the petitioner on deceased quota as Vaccinator, therefore, petition is disposed of in the following terms.

"The appointment of the petitioner shall be approved by the competent authority within the period of 03 months, as the petitioner has already been appointed by the District Health Officer, Jacobabad on deceased quota as Vaccinator (BPS-06) vide his letter No.DHO/JCD/7179/85, dated 07th November, 2012. Thereafter, petitioner shall be paid salaries from the date, he has joined his service. Compliance report shall be submitted by respondents No.2 and 3 to this Court."

7. Above are the reasons for our short order passed today morning in Court.

JUDGE 30.4.2014



JUDGE

1- For Order on M.A 3275/14 (U/A)
2- For Order on M.A 3276/14 (C/A)

Qazi Tahir