

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Constitution Petition No. D-1173 of 2023**  
*Iltaf Hussain Bhanbhro & others Vs P.O Sindh & others*

**Constitution Petition No. D-1257 of 2023**  
*Imdad Ali & others Vs P.O Sindh & others*

**Constitution Petition No. D-1258 of 2023**  
*Muhammad Sadiq & others Vs. P.O Sindh & others.*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on office objection.
2. For hearing of main case.

**ORDER.**  
25-02-2025.

Petitioners Muhammad Sadiq, Abdul Salam, and Altaf Hussain are present in person.

Syed Zaffar Ali Shah advocate for the petitioners is on general adjournment.

Mr. Sheeraz Fazal advocate for respondents No.5 & 11 in CP No. D-1173.

Mr. Zulfiqar Ali Naich, Assistant A.G, Sindh along with Dilyawar Soomro Assistant Education Officer (Focal Person/Litigation Officer) Office of the EDO (Primary) Ghotki @ Mirpur Mathelo and Javed Ahmed Channa DEO (Primary) Sukkur.

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The petitioners request court orders directing the Chief Minister to approve salary funding, the Deputy Commissioner to immediately disburse salaries, and the respondents to grant six years of withheld increments and bonuses.

2. These petitions are filed by teachers working in 42 schools in Taluka Nara, Khairpur district, Sindh, Pakistan. These schools, initially funded by United Energy Pakistan (formerly OMV Pakistan) under their social welfare initiatives, are now under the Sindh Education Foundation's (SEF) Public-Private Partnership (PPP) modality. The teachers are seeking redress for long-standing issues related to unpaid and delayed salaries, and the discontinuation of annual increments and bonuses. The teachers have been working since 2003 in schools initially funded by UEP/OMV as part of their corporate social responsibility initiatives. These schools serve approximately 5,000 students in remote areas. In 2018, funding

responsibility shifted, and oversight was transferred to district officials. In 2019, the Sindh High Court recognized that teacher salaries should be paid from education department funds. Subsequent meetings and communications involving the Chief Secretary of Sindh, the Secretary of School Education and Literacy Department, and the Managing Director of SEF have failed to resolve the teachers' issues. The Sindh Education Foundation has requested the social welfare obligation funds from UEP to be used to pay the teachers until an alternate solution is found. A summary was sent to the Chief Minister of Sindh requesting the release of 31,950,000 rupees to cover 18 months of unpaid salaries. Teachers have experienced frequent and prolonged delays in salary payments, sometimes lasting up to six months. Their annual increments have been stopped since 2017. Their annual bonuses, equivalent to one month's salary, have been discontinued for the past six years. Despite numerous appeals to relevant authorities, including the Deputy Commissioner of Khairpur, their issues remain unresolved. The teachers have held protests to draw attention to their plight.

3. The petitioners submit that the respondents' actions violate their fundamental, legal, constitutional, and lawful rights. Essentially, the teachers are asking the court to compel the government to fulfill its responsibility to pay their salaries and provide them with the benefits they are entitled to.

4. The respondent the Sindh Education Foundation (SEF) acknowledges that 67 government schools in Khairpur, Sukkur, and Ghotki were previously funded by OMV/UEP's social welfare contributions through a SEALD contract. This funding facilitated the hiring of project-based teachers, the petitioners. When the OMV/UEP contract concluded in June 2018, financial instability jeopardized the schools' operations. Subsequently, the Sindh Education Foundation (SEF) was tasked with assuming management under a PPP model. Following numerous discussions, including a meeting chaired by the Chief Secretary of Sindh on October 13, 2021, directives were issued. These included temporary salary payments by District Commissioners, the provision of school data to SEALD, and the development of a permanent solution by SEF. While SEF submitted a proposal on November 12, 2021, it remains without response.

5. The Education Department, as respondent, states that 67 schools in Khairpur, Sukkur, and Ghotki were originally funded by OMV/UEP through their CSR program under a SE&LD agreement. They dispute the claim that these schools were transferred to SEF's PPP model. Following the contract's end in 2018, the schools experienced financial problems. A meeting led by the Chief Secretary resulted in directives for temporary salary payments by District Commissioners, data submission, and the development of permanent solutions by SEF and SE&LD. SEF submitted a proposal, and SE&LD forwarded a summary to the Chief Minister, who then requested further details regarding CSR-funded schools and teacher statuses. A committee was formed by the Commissioner Sukkur Division to find a lasting resolution. The Education Department asserts they are actively working with the Commissioner to address the petitioners' concerns and requests the court to dismiss the petition, acknowledging these ongoing efforts.

6. We have heard the petitioners who are present in person as well as learned AAG and perused the record with assistance.

7. Every citizen possesses the fundamental right to legal protection and equitable treatment under the law. Article 4 of the Pakistani Constitution enshrines the principle of equality before the law, prohibiting any action that negatively impacts a person's life, liberty, body, reputation, or property unless such action is legally justified. Public officials are obligated to act in good faith, with integrity, and within their designated authority, ensuring all individuals receive lawful treatment.

8. Withholding a person's salary constitutes a violation of fundamental rights protected by Articles 2-A, 3, 4, 9, 14, and 18 of the Pakistani Constitution. In a civilized society, fair compensation for services rendered is a basic principle. Earning a livelihood is a fundamental human right, a concept deeply rooted in Islamic teachings. Islam mandates prompt payment for services, rejects any form of enslavement, and affirms the equality of all humanity before God. As God grants these fundamental rights, no human authority can legitimately revoke them. The right to earn a livelihood and live with dignity, enjoying the blessings of God, is both a legal and a religious entitlement. Salary or

wages are the necessary means to exercise these rights. This principle is supported by legal precedent, as seen in 2001 PLC (C.S) 1073.

9. Article 3 of the Pakistani Constitution mandates the state to eliminate exploitation and ensure equitable distribution of resources based on individual ability and work. Article 38, outlining principles of policy, requires the state to safeguard the well-being of all citizens, regardless of background, by improving living standards, preventing wealth concentration, and ensuring fair balance between employers and employees.

10. The Supreme Court of Pakistan, in *Ikram Bari* (2005 SCMR 100), affirmed that an Islamic welfare state is obligated to create an exploitation-free society that guarantees social and economic justice. The Objectives Resolution, now a substantive part of the Constitution through Article 2-A, explicitly mandates the implementation of Islamic principles of equality and justice as fundamental rights. Article 38 of the Constitution further directs the state to improve living standards, ensure equitable employer-employee relations, provide livelihood opportunities, and reduce income disparities. Moreover, Article 3 compels the state to eliminate exploitation and implement the principle of 'from each according to his ability, to each according to his work.'

11. In *Zahid Ahmed v. Province of Sindh* (2012 PLC (C.S) 124), Justice Shahid Anwar Bajwa ruled that while the Education Department could address appointment irregularities through disciplinary procedures, it could not simultaneously acknowledge an improper appointment, continue to utilize the employee's services, and then withhold their pay. This practice was deemed exploitative, violating Article 3 of the Constitution, which prohibits exploitation. It also infringes upon the right to life guaranteed by Article 9 and constitutes forced labor, forbidden by Article 11. Public office is a sacred trust, demanding honesty and diligence. Officials are obligated to rectify subordinates' wrongdoings and hold them accountable. Failure to do so implies either complicity or negligence, both of which warrant appropriate consequences.

12. In *Zahid Ahmed* (supra), the court ordered immediate salary payments to the petitioner, with 50% deducted from the EDO's salary and

50% from the Headmaster's. The EDO and Headmaster were also directed to investigate the petitioner's appointment and initiate disciplinary action if necessary. Arrears would be determined by the outcome of the investigation. The court's decision in *Zahid Ahmed* was based on the petitioner's undisputed performance of duties: they submitted a joining report, had a service book, and regularly signed the attendance register.

13. Under Article 199, this court cannot resolve complex factual disputes requiring evidence. While the petitioners claim salary payments, their employment status and the validity of their appointments are contested. These crucial issues demand detailed inquiry beyond the court's scope. However, to ensure justice and address the growing trend of departments challenging document authenticity to avoid factual inquiries, the court will form an inquiry committee. This action is necessary to investigate the petitioners' situation, especially given the hardship faced by employees due to departmental inaction and the observed pattern of denying legitimate employment.

14. Good governance relies on an honest and effective bureaucracy, especially in a written constitution where implementation is key. Discretionary powers must be exercised reasonably, fairly, and openly, in line with constitutional principles like Articles 4 and 25. As the Constitution is supreme, no authority can deviate from its provisions or related rules. This is supported by 2011 PLC (C.S) 1130.

15. To resolve this petition, the Secretary of Education will establish a three-member inquiry committee to verify the petitioners' appointment orders within one month and report to the Secretary for immediate action. Petitioners will be summoned and given a full opportunity to present their case. Crucially, if the inquiry confirms the petitioners' entitlement to salaries, this issue must be resolved with utmost priority.

16. These petitions are disposed of in the above terms.

**Judge**

**Judge**



