

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.  
Constt: Pelt: No. D- 21 of 2018.

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Date	Order with signature of Hon'ble Judge
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- 1. For orders on M.A No.88/2018.
- 2. For orders on office objection as flag A.
- 3. For orders on M.A No. 89/2018.
- 4. For hearing of main case.

11.01.2018.

Mr. Ashfaq Hussain Abro, advocate for the petitioners.

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Petitioner claims to be a Lab Assistant BS-7 in Education and Literacy Department, Govt. of Sindh, appointed on 22.3.2012 and is presently posted at Govt. Degree College, Shikarpur. She has filed this petition for release of her salaries and a direction to the respondents to prepare the F.O-1 Form and submit the same before Treasury Office concerned so that her salaries could be released.

During the course of arguments, learned counsel for the petitioner has admitted that the petitioner is a civil servant. On a question of maintainability of this petition, he submitted that a number of petitions have been entertained by this Court on the same issue and relief has been given to the petitioners.

In our view, the issue of release of salaries of a civil servant pertains to terms and conditions of his/her service and therefore, the jurisdiction of this Court is explicitly barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. Reliance in this regard could be placed on the cases of PUNJAB TEXTBOOK BOARD, LAHORE and others V. MUHAMMAD AKHTAR SHERANI and others (PLD 2001 Supreme Court 1032) and GOVERNMENT OF SINDH THROUGH SECRETARY EDUCATION & LITEECY DEPARTMENT & OTHERS V. NIZAKAT ALI & OTHERS (2011 SCMR 592). In both the said cited cases,

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involving a question of non-payment of salaries to the civil servants, the Hon'ble Supreme Court of Pakistan has held that the petition relating to the non-payment of salaries pertaining to the terms and conditions of a civil servant is barred under Article 212 *ibid*. In case of GOVERNMENT OF SINDH THROUGH SECRETARY EDUCATION & LITEECY DEPARTMENT & OTHERS V. NIZAKAT ALI & OTHERS (*supra*), the Hon'ble Supreme Court of Pakistan has observed that:-

*"2.As far as, objection raised by learned Additional Advocate General Sindh with regard to jurisdiction of the High Court to decide the case under Article 199 of the Constitution pertaining to the terms and conditions is concerned, it seems to be valid prima facie, but in the instant case order has been implemented and it would create hardship for the Respondents if any adverse order against them is passed. However, it is observed that in future the High Court may determine before entertaining such writ petitions as to whether the jurisdiction to decide such cases is barred under Article 212 of the Constitution, particularly when the matter pertains to terms and conditions of the employees."*

Following the dictum laid down by the Honourable apex Court as above, we are of the considered opinion that this petition is not maintainable, which is accordingly dismissed in limine alongwith all other listed applications.

