

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Constt: Petition No.D- 77 of 2020.
(Nazir Ahmed v. P.O Sindh and others)

Constt: Petition No.723 of 2024
(Nazir Ahmed v. Chairman U.C Toj Taluka Thull and others)

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

BEFORE:

**Mr. Justice Muhammad Saleem Jessar
Mr. Justice Adnan-ul-Karim Memon**

Date of hearing and Order: 12.3.2025.

Mr. Atta Hussain Qadri, Advocate a/w petitioner.

Mr. Liaquat Ali Shar, A.A.G assisted by Mr.Aftab Ahmed Bhutto,
Asstt: A.G. a/w Abdul Rasool, Chairman, UC Toj, Zia ul Haque,
Secretary UC Toj, Taluka Thul.

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ORDER

Adnan-ul-Karim Memon, J- Counsel for the petitioner asserts that Nazir Ahmed was lawfully appointed as a Junior Clerk in 2012 and subsequently transferred to UC Karimabad in May 2024. He alleges that Respondent No. 2 is unlawfully preventing him from assuming his new post, resulting in lost wages. Having exhausted departmental remedies, the petitioner seeks court intervention to enforce his transfer and ensure payment of his due salary.

2. The department, in response, asserts that the petitioner's appointment documentation is fraudulent and requests the petition be dismissed.

3. We have heard the parties present in court and perused the record with their assistance.

4. Nazir Ahmed has filed a petition claiming he was improperly prevented from joining his new post at UC Karimabad following a transfer. He alleges a valid 2012 appointment and seeks court intervention to enforce his transfer.

5. The central issue is whether withholding the petitioners' salaries without a hearing is legally permissible. The principle of equity demands that those seeking relief must act fairly and come before the court with clean hands. The Assistant Advocate General (AAG) contends that the petitioners' appointment was obtained improperly, thus negating his claim to a right of hearing.

6. Based on the parties' contentions and submitted materials, we find that the disputed factual claims and counterclaims, including the veracity of

documents, cannot be resolved under our Constitutional Jurisdiction. These issues require factual determination by the Competent Authority. Therefore, the present petition is liable to be dismissed.

7. In addressing the matter of alleged fake appointments in government departments, this Court is guided by the precedent set in the Government of Punjab through Chief Secretary v. Aamir Junaid (2015 SCMR 74). This Supreme Court decision mandates that departments conduct a thorough examination of appointees' eligibility. Those who meet the criteria, despite potential selection irregularities, may be retained under the principle of *locus poenitentiae*. Those who fail to meet the eligibility standards must be dismissed. The department is now obligated to ensure a fair and transparent review as directed by the High Court.

8. Following the Supreme Court's directives in the *Government of Punjab* (supra), we direct the Secretary concerned Department, Government of Sindh, to establish a committee, led by him, to investigate the alleged fraudulent appointments in the department as a whole, detailed earlier. This inquiry must include providing the petitioner and any other aggrieved person with a full hearing, determining responsibility, and taking legal action against implicated officials per the Supreme Court's observations. The committee's report is to be submitted to this Court through the Additional Registrar of this Court within 90 days of this order.

9. This petition is disposed of in the above terms.

Muhammad Anwar 22/3/24

JUDGE
17/8/2025