

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitution Petition No. D – 04 of 2025
(Rizwan Ahmed Vs. *Province of Sindh & others*)

Date	Order with signature of Judge(s)
------	----------------------------------

Before;

Muhammad Karim Khan Agha J;
Adnan-ul-Karim Memon J;

Date of hearing and order: 25-03-2025

Mr. Mumtaz Chandio holding brief for Mehmoodul Hasan advocate for the petitioner.

Mr. A.K. Vaswani, AAG alongwith Fahad Mansuri, Account Officer A.G. Sindh and Naveed Ahmed from Education Department.

ORDER

ADNAN-UL-KARIM MEMON, J: The petitioner was appointed as a Junior Clerk in BPS-7 on November 14, 2011, at Baldia Government Boys Secondary School (GBSS), as evidenced by letter No. EDOE/CDGK/GEN (272727-29). A medical fitness certificate was obtained from the Medical Superintendent and Civil Surgeon Services Hospital, Karachi, vide letter No. EDOE/ESST/5760-2010. Salary manual bill No. P/72333 was issued by the Drawing and Disbursing Officer (DDO) of Government Baldia School D-Area Korangi, and salary cheque No. 1284710, payable to the petitioner, was issued by the Government of Sindh. Despite numerous visits to the DDO's office, the DDO required the Director of Education's countersignature. However, letter No. DES and HS/ADMN-A/31089, dated June 7, 2020, addressed to the Section Officer (Judicial-I), confirms that the petitioner performed duties from February 14, 2011, to April 9, 2016, and received salary via cheque from February 14, 2011, to June 30, 2012.

2. The petitioner submitted in his memo of petition that all government bodies, statutory entities, and public officials are obligated to act in good faith, honestly, and within their legal authority, ensuring that individuals are treated according to the law as guaranteed by Article 4 of the Constitution of the Islamic Republic of Pakistan, 1973. He further asserted that state functionaries, including the judiciary, are duty-bound to act lawfully under Article 4. In situations where legislation is absent, public officials and the judiciary must exercise their power to dispense justice based on Islamic principles. He concluded by stating that despite the petitioner's attempts to seek legal action from the respondents regarding their alleged misconduct, through formal applications, no action has been taken. Instead, the respondents are reportedly harassing and threatening the petitioner. He therefore requested that the court grant the petition.

3. The respondent, appearing in court, informed that the Accountant General Sindh's office had issued letter No. AGS/Edu-V/Verification/2023-24/246, dated April 16, 2024, to the Secretary SE&LD, seeking the following clarifications: Firstly, the joining database was submitted to their office after a delay exceeding thirteen years, for which the department must provide an explanation. Secondly, according to the relevant Drawing and Disbursing Officer (DDO), the petitioner returned to duty following an eight-year absence, necessitating clarification under Sindh Civil Service Rule 33. To date, no response has been received.

4. Based on the circumstances, the respondents are required to review the issue and make a decision within a reasonable period, allowing the petitioner a hearing.

5. In view of the foregoing, without touching the merits of the case, this petition is disposed of in the aforesaid terms.

J U D G E

J U D G E

Shafi/P.A