

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHS

C.P. No. D- 631 of 2025

[Muzafar Hussain v. Province of Sindh & Others]

Before:

Mr. Justice Muhammad Saleem Jessar

Mr. Justice Nisar Ahmed Bhanbhro

Petitioner: Muzafar Hussain through Mr. Ghulam Rasool Samoon, advocate.

Respondents: Province of Sindh & others through Mr. Muhammad Sharif Solangi, Assistant Advocate General along with Mir Hassan DEO (ES&HS) Umerkot, Mr. Muhammad Alam Soomro, DAO Umerkot and Ahsan Ali DEO Tando Muhammad Khan.

Date of hearing

& Decision: 29.10.2025.

ORDER

NISAR AHMED BHANBHRO, J - Through this petition, the petitioner has

claimed the following reliefs:-

“(a) That this Honorable Court may be pleased to direct the respondents to open PID No. 10703973 of the petitioner immediately.

(b) To direct the respondents to release the monthly salary immediately as well as its dues with effect from 01.08.2015.

(c) To further direct the respondents to submit the reasons of blockage of the aforesaid PID of the petitioner.

(d) That this Honorable Court may be pleased to direct the respondents not to block the PID of the petitioner nor stop his monthly salary in future due to any reason or filing present petition.

(e) Any other relief, which this Honorable Court deems fit and proper may also be awarded to the petitioner.”

Learned counsel for the petitioner contended that the petitioner was appointed as a Junior Clerk (BPS-7) vide order dated 23.10.2010 issued by the Executive District Officer, Education, Tando Muhammad Khan. He performed his duties there until August 2015, when he was transferred to District Umerkot. The counsel for petitioner further contends that since his transfer to District Umerkot in 2015, he has not been paid his salary despite making several representations. He argued that the respondents have blocked the petitioner’s personal ID without granting him the right to a hearing. Therefore, he requested that the respondents be directed to unblock the petitioner’s personal ID and release his outstanding salaries.

Learned Assistant Advocate General controverted the petitioner's statement, stating that the petitioner served in District Tando Muhammad Khan until July 2015, after which he was transferred to District Umerkot and joined his duties there. The AAG further argued that the petitioner's domicile is of District Umerkot, while his initial appointment was in Tando Muhammad Khan. Therefore, the AAG contended that the appointment was not in accordance with the law and should be canceled. He prayed for the dismissal of the petition.

We have heard the arguments and perused the material available on record. A meticulous perusal of the record reveals that the petitioner's appointment has not been denied, and he received salaries until July 2015. After that, he was transferred to District Umerkot by an order of the Secretary, School Education and Literacy Department, Government of Sindh, and he joined his duties there. When confronted, the District Education Officer (DEO) of ES&HS, Umerkot, who was present in court, admitted that the petitioner was performing his duties in District Umerkot. Similarly, the DEO of Tando Muhammad Khan, who was also present in court, admitted that no adverse action or disciplinary proceedings had been initiated against the petitioner, and that he is still in service.

Since the petitioner's employment has not been disputed and it has been admitted that he has been performing his duties, the respondents, as his employer, were under an obligation to pay him his salary. The reasons cited for withholding the salary are not tenable under the law, as no disciplinary proceedings have been initiated against the petitioner, nor has any penalty been imposed on him.

The payment of salary is not a bounty or share of estate, but rather compensation for work done by the employee, which the respondents have admitted the petitioner has performed. Therefore, the respondents' action in blocking the petitioner's personal ID is unjustifiable and violates Article 4 of the Constitution of the Islamic Republic of Pakistan, 1973. The petitioner has not been afforded the treatment required by law, nor has he been dealt with according to the due process of law.

For the reasons stated above, this petition is allowed. The official respondents are directed to unblock the petitioner's personal ID immediately and pay him salary and dues within a period of two months from the date of this order. However, they are at liberty to initiate disciplinary proceedings against the petitioner strictly in accordance with the law. A copy of this order shall be sent to the official respondents for compliance.

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