

**ORDER SHEET**

**HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS**

C.P No.D-746 of 2025

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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1. For orders on office objection (s)
2. For hearing of main case

**28.01.2026**

Mr.Ghulam Rasool Samoon, Advocate for the petitioner

Mr.Rafiq Ahmed Dahri, Assistant A.G Sindh along with Nisar Ali D.E.O (ES/HS), Tando Muhammad Khan and Rashid, District Accounts Office, Umerkot

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The petitioner, claiming to be serving as Assistant (BPS-16) in the School Education & Literacy Department, Government of Sindh, has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution seeking directions for the opening of his PID and release of his salary, which, according to him, has been withheld since November, 2021.

2. Learned counsel for the petitioner contends that the petitioner was appointed in the year 2011 and has been performing his duties without interruption. It is submitted that upon his inter-district transfer from Tando Muhammad Khan to Umerkot, he was duly relieved and joined at Girls High School Kharoro Charan, District Umerkot. Counsel further submits that the petitioner was issued a NOC, a genuineness certificate, and a no-inquiry certificate by the competent authority, and that his service book was verified by the District Education Officer, Umerkot, who also recommended the release of salary. Notwithstanding this, his salary was withheld without lawful justification. A show-cause notice was issued to him, to which he has already submitted a reply, but no order has been passed, resulting in prolonged financial hardship.

3. Conversely, learned A.A.G submits that the petitioner's appointment is alleged to be fake as his name does not appear in the DRC record of 2011. It is argued that disciplinary proceedings have already been initiated by the Secretary, School Education & Literacy Department, and that the petitioner has responded to the show-cause notice; therefore, the petition is premature and not maintainable.

4. We have heard the learned counsel for the parties and examined the available record. It is an admitted position that the petitioner holds an appointment order, has served for several years and has been performing duties at his transferred place of posting. The record further reflects that disciplinary proceedings have been initiated, the petitioner has submitted his reply, and no final order has been passed.

5. The Supreme Court in Civil Petitions No. 933-K to 935-K of 2023 (Judgment dated 04.06.2025) has elaborated the legal position governing such matters. The apex Court held that mere allegations regarding irregularities in recruitment do not justify withholding salaries unless the appointment is cancelled through due process. It was further held that the existence of an appointment order creates a vested right to salary, unless lawfully withdrawn, and that the High Court should not non-suit an employee merely because the department alleges disputed facts. The Supreme Court emphasised that the competent authority must verify the appointment and pass a reasoned order, and that low-tier employees are often scapegoated while the actual wrongdoers escape accountability.

6. Applying the above principles, it is evident that the petitioner's salary has been withheld for more than four years without any final order on the show cause notice. Such prolonged inaction cannot be justified. While this Court ordinarily refrains from interfering in pending disciplinary

proceedings, it cannot overlook the constitutional mandate that an employee cannot be deprived of salary indefinitely without a lawful order cancelling his appointment.

7. Since the competent authority has already issued a show cause notice and the petitioner has submitted his reply, the matter requires prompt adjudication. The competent authority must verify the petitioner's appointment, examine the relevant records, determine whether the appointment was issued after the fulfilment of codal formalities, and then pass a speaking order.

8. In these circumstances, the petition is **disposed of** with the direction that the Secretary, School Education & Literacy Department, Government of Sindh, shall conclude the pending disciplinary proceedings strictly in accordance with law, after providing the petitioner a meaningful opportunity of hearing and shall pass a reasoned and speaking order within fifteen (15) days from the date of receipt of this order. If the petitioner is aggrieved by the order, he may avail the appropriate remedy in accordance with the law.

Office is directed to communicate a copy of this order to the Secretary, School Education & Literacy Department, Government of Sindh and to the learned A.A.G. for compliance.

**JUDGE**

**JUDGE**