

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No.D-181 of 2023

Date	Order with signature of Judge
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Before;

*Mr. Justice Adnan Iqbal Chaudhry;
Mr. Justice Abdul Hamid Bhurgri.*

Petitioners : Ashraf Ali s/o Eid Muhammad Bajkani
& Asghar Ali s/o Muhammad Panah Malik,
through Mr. Safdar Ali Ghouri, Advocate.

Respondents : P.O Sindh and others, through Mr.
Liaquat Ali Shar, A.A.G.

Date of Hearing : ***25.02.2026.***
Date of Order : ***25.02.2026.***

ORDER

Abdul Hamid Bhurgri, J.- The case of the petitioners, as set out in the instant constitutional petition, is that they were appointed as Junior Clerks (BPS-11) on 27.03.2012 after completing all codal formalities, and since their appointment they have been performing their duties in accordance with law. It is contended that despite their lawful appointment, the respondents unlawfully deducted substantial amounts from their salaries and instead of receiving their full salary of approximately Rs.46,000/- per month, they were paid amounts ranging between Rs.8,000/- to Rs.14,000/- per month, and subsequently even such payments were discontinued. It is further contended that despite repeated requests, the respondents failed to release their lawful salaries and arrears, thereby causing serious financial hardship. Hence, the petitioners have approached this Court seeking release of their full salaries, payment of arrears, declaration against alleged illegal deductions, and other ancillary relief.

2. Comments have been filed on behalf of the official respondents, wherein a categorical stance has been taken that the appointment orders, Service Books, and supporting documents relied upon by the petitioners are fake and fabricated. It has been asserted that the petitioners were never lawfully appointed through any competent authority and, therefore, they have no lawful entitlement to claim salaries on the basis of disputed and unverified documents.

3. We have heard learned counsel for the petitioners and the learned Additional Advocate General, Sindh, and have perused the material available on record. Earlier, vide order dated 21.05.2025, this Court directed the petitioners to produce their complete service profile, including Service Books, before the competent authority for verification, and certain payments were also made subject to verification of their service credentials.

4. In compliance thereof, respondent No.3 submitted a statement dated 12.11.2025, reporting that upon verification by the Deputy Director, Local Government, Kashmore @ Kandhkot, the Service Books produced by the petitioners were found to contain signatures which, according to the concerned authority, did not correspond with official record, and the alleged appointing authority was not posted in the concerned Union Council at the relevant time. It was further reported that the bank authorities confirmed that although the petitioners' accounts became functional in the year 2020, no record of salary payments existed from the year 2012 onward. Additionally, the medical fitness certificate submitted by petitioner No.1 was also reported by the issuing hospital to be not verifiable from its official record.

5. From the material placed on record, it is evident that the very foundation of the petitioners' claim, namely their appointment, service record, and consequent entitlement to salary, is seriously disputed by the official respondents. The verification reports furnished by the competent authorities have raised substantial and disputed questions regarding the authenticity and validity of the documents relied upon by the petitioners. In such circumstances, determination of the petitioners' entitlement necessarily involves resolution of disputed and controversial questions of fact, which cannot be adjudicated upon in exercise of constitutional jurisdiction under Article 199 of the Constitution without recording evidence.

6. It is a settled principle of law that constitutional jurisdiction under Article 199 of the Constitution is discretionary in nature and is exercised only where a clear, undisputed, and enforceable legal right is

established. Where the very existence of such right is disputed and its determination depends upon resolution of controversial questions of fact requiring recording of evidence, constitutional jurisdiction cannot be invoked as a substitute for regular proceedings. Reliance in this regard may be placed upon ***Mst. Kaniz Fatima through legal heirs v. Muhammad Salim and 27 others (2001 SCMR 1493) and Anjuman Fruit Arhtian and others v. Deputy Commissioner, Faisalabad and others (2011 SCMR 279)***.

7. It is equally well settled that constitutional jurisdiction is not intended to resolve disputed questions relating to appointment, status, or entitlement where such claims are founded upon disputed or contested documents. Such matters fall within the domain of competent civil or service forums where evidence can be properly recorded and examined. This Court, in exercise of constitutional jurisdiction, does not act as a trial Court to adjudicate such disputed questions of fact.

8. In the present case, the petitioners have failed to establish any clear, vested, or legally enforceable right entitling them to claim salaries through constitutional jurisdiction, particularly when the authenticity of their appointment and service record itself is seriously disputed and requires adjudication by a competent forum after recording evidence.

9. Consequently, this Court is of the considered view that the instant constitutional petition is not maintainable under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

10. Accordingly, the instant constitutional petition is dismissed as not maintainable, along with listed applications, if any. However, the petitioners shall be at liberty to avail appropriate remedy before the competent forum, strictly in accordance with law.

JUDGE

JUDGE