

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.D-2348 of 2017

[Jawad Ali and another vs. Province of Sindh and Others]

Before:

Justice Arbab Ali Hakro
Justice Riazat Ali Sahar

Petitioners by : Mr. Muhammad Arshad Pathan, Advocate

Respondents 1&2 by : Mr. Muhammad Ismail Bhutto Additional. A.G Sindh

Respondents No.3&4 by : Mr. Waqar Ali Leghari, advocate a/w Town Officer Matiari Israr Hussain.

Dates of Hearing : **22.01.2026**

Date of Decision : **22.01.2026**

JUDGMENT

ARBAB ALI HAKRO, J:- The petitioners claim to be employees of respondents No.3 and 4 (Town Committee, Matiari) and seek release of their withheld salaries. The petitioners No.1 and 2, were appointed as Junior Clerks (BS-07), while petitioner No.3 was appointed as Naib Qasid (BS-01) during the years 2012 and 2013, respectively. Their services were subsequently regularized, and they continued to receive salaries until 2017, after which the respondents allegedly discontinued payment without lawful justification, prompting the present petition.

2. The concise factual background is that petitioners No.1 and 2 were appointed as Junior Clerks (BS-07) and petitioner No.3 as Naib Qasid (BS-01), on a daily-wage basis by the then Chief Officer, Taluka Municipal Administration, Matiari. Their services were subsequently regularized through letters issued by the Local Government Department in May, 2013. They continued to perform duties and received salaries through Sindh Bank till May, 2017. The petitioners allege that, despite their continuous service, respondent No.3, due to personal hostility, stopped their salaries and prevented them from signing muster rolls, whereas the respondents contend that the appointment and regularization orders relied upon by the petitioners

are fake, as per a verification letter dated 16.05.2017, issued by the Local Government Department.

3. Learned counsel for the petitioners submits that the petitioners were lawfully appointed in 2012–2013 by the competent authority of the Taluka Municipal Administration Matiari against local Non-SCUG posts and their appointments had no connection with the higher offices of the Local Government Department at Karachi. After joining, they continuously performed their duties, and their services, along with those of several other employees, were duly regularized with proper approval, verification, issuance of office orders, preparation of service books, and payment of salaries through Sindh Bank. Counsel argues that under the statutory framework, appointments to local posts (BPS-01 to 15) fall exclusively within the domain of the Municipal Administration. This position was reaffirmed by the Secretary, Local Government Department, through a letter dated 18.04.2017, directing that employees appointed during 2012–13 and drawing salaries must not be disturbed and that verification of such appointments is the responsibility of the respective Councils. He contends that despite this clear directive, the local administration, acting with mala fide intent, procured a false verification letter dated 16.05.2017, alleging that the petitioners' regularization orders were fake. Counsel submits that this letter is without jurisdiction, contrary to the earlier authoritative clarification, and has been relied upon solely to victimize the petitioners, while all other similarly placed employees continue to receive salaries. Even respondent No.2, Deputy Director, Local Government, has supported the petitioners' stance by confirming their appointments, regularization, performance of duties, and entitlement to salaries. It is argued that the salary stoppage since 2017 is discriminatory, arbitrary, and violative of the petitioners' fundamental rights, leaving them with no alternative but to invoke the constitutional jurisdiction of this Court.

4. Conversely, learned counsel for the respondent Town Committee contends that the appointment orders relied upon by the petitioners are fabricated and fraudulent. He submits that an inquiry was conducted, culminating in a letter dated 16.05.2017, issued by the Local Government Department, confirming that the petitioners' appointment orders were fake and bogus. Consequently, their salaries were discontinued. It is argued that the petitioners have approached this Court with unclean hands and are not entitled to any relief; rather, they are liable to refund the salaries already drawn. Dismissal of the petition is therefore sought.

5. Learned Additional Advocate General adopts the submissions advanced on behalf of respondents No.3 and 4.

6. We have heard learned counsel for the parties and examined the record with the care that the matter requires.

7. The petitioners' entire claim rests on the premise that they were lawfully appointed and subsequently regularized by the competent authority of the Taluka Municipal Administration Matiari. They rely upon certain appointment and regularization letters said to have been issued in 2012–2013. The respondents, however, have categorically disputed the authenticity of those documents and have placed on record a verification letter dated 16th May 2017, issued by the Local Government Department, declaring the very letters relied upon by the petitioners as fake and not issued by the Department. On the strength of that communication, the petitioners' salaries were stopped, and termination orders were issued.

8. The difficulty for the petitioners is that the material before us does not permit this Court, in the exercise of constitutional jurisdiction, to resolve the disputed factual questions that lie at the heart of the controversy. Whether the appointment orders were genuine, whether the regularization letters were in fact issued and whether the petitioners' entry into service was lawful are all matters that require evidence to be recorded, witnesses to be

examined, and the factual matrix to be tested through a proper adjudicatory process. Article 199 does not envisage such an exercise. The jurisdiction of this Court is supervisory, not appellate and certainly not investigative.

9. The petitioners have also not been able to demonstrate that the respondents acted without jurisdiction. Upon receiving a request for verification, the Local Government Department issued its opinion on the authenticity of the documents. Whether that opinion is correct or otherwise is not something that can be determined under the constitutional jurisdiction. The petitioners' allegation that the verification letter was "managed" or "fabricated" is a bald assertion unsupported by any cogent material. Mere allegations of mala fides, without substantive evidence, cannot be made the basis for constitutional relief.

10. Once the respondents have taken the position that the petitioners were never validly appointed and have acted upon that position by issuing termination orders, the proper course for the petitioners was to avail the statutory remedy available to them. Constitutional jurisdiction cannot be invoked as a substitute for the remedy provided by law, particularly where the dispute turns on the legality of the initial appointment and the factual foundation of the petitioners' claim.

11. The petitioners' reliance on the earlier letter dated 18th April 2017 does not advance their case. That letter merely directed local councils to verify appointments made during the relevant period. It does not, by itself, confer legitimacy upon any appointment, nor does it override the subsequent verification that the documents relied upon by the petitioners were not issued by the Department. The petitioners have not shown that the verification letter was issued without authority or in violation of any statutory provision.

12. In these circumstances, the petitioners have failed to establish that the impugned actions suffer from a jurisdictional defect, mala fides, or violation

of any constitutional or statutory right. The dispute is factual, turning on the authenticity of documents and the legality of the petitioners' entry into service, matters that fall outside the limited scope of judicial review under Article 199.

13. For the reasons recorded in the foregoing findings and keeping ourselves strictly within the limits of Article 199 of the Constitution, we are not persuaded to exercise constitutional jurisdiction in the petitioners' favour as the controversy turns on disputed factual questions relating to the legality of the petitioners' initial appointments and the authenticity of the documents relied upon by the. Consequently, the petition stands **dismissed**, leaving the petitioners at liberty to avail such remedy as may be available to them under the law.

JUDGE

JUDGE

Sajjad Ali Jessar