## ORDER SHEET IN THE HIGH COURT OF SINDH BENCH AT SUKKUR Const. Petition No.D-484 of 2023

Date

Order with signature of Judge

- 1. For orders on office objection at flag `A`
- 2. For orders on CMA No.4325/2023
- 3. For hearing of CMA No.2060/2023
- 4. For hearing of main case

## 20-12-2023

Petitioners are present in person Mr. Zulfiqar Ali Naich, Assistant Advocate General a/w Hazoor Bux, District Accounts Officer Sukkur

Muhammad Iqbal Kalhoro,J:- Petitioners are claiming to be employees of the Cadet College Pano Akil District Sukkur and have filed this petition for regularization of their service and release of salaries. Admittedly, during pendency of this petition their services have been terminated and this petition to the extent of regularization of their service has become infructuous. The only issue therefore pending before this court was whether the petitioners were paid their salaries till the time they worked with the Cadet College or not. Since claims and counter claims were being made by both the parties that actually revolved over the facts controversial in nature, vide order dated 14.11.2023, we appointed District Accounts Officer Sukkur respondent No.7 to hold an enquiry in respect of the amount of salaries received by the petitioners since 2013 or any amount in the same respect outstanding against respondent No.9 Principle Cadet College Pano Akil.

District Accounts Officer is present has filed the enquiry report, relevant para of which is reproduced hereunder:-

"On scrutiny of the Bank Account statement by the Sindh Bank authorities in respect of M/S Muhammad Jamil (A/C No.000103168 7531000) and Shahbuddin Shah (A/C No.0001031384971000) as well as details of paid salaries collected from the Cadet College, Pano Akil, it has been revealed that salaries in respect of petitioners have continuously been released by the Management of Cadet College, Pano Akil, another additional amount towards salaries for amounting to Rs.365515/- vide Cheque No.2996637 dated 03.06.2020 (Copy enclosed) and Rs.322528/- vide cheque No.299663 dated 03.06.2020 (Copy enclosed) respectively have also been issued by Principal Government cadet college, Pano Akil and payment also received as admitted by the both petitioners."

The above enquiry report shows that the entire salaries of the petitioners have been paid to them and nothing is outstanding against the Cadet College. Petitioners despite such clear cut enquiry report supported by the relevant documents have tried to dispute the same, however without offering any substantial evidence to expound the same. Be that as it may, even otherwise, the Cadet College Pano Akil is a private entity and there are serious questions over maintainability of this petition against it. But in any case, since the issue has already been resolved and petitioners have been paid their salaries as per report of District Accounts Officer and nothing has been left out to be decided in this petition by this court, accordingly this petition is dismissed. The petitioners shall however still be at liberty to take their grievance, if any, before the relevant forum to establish their entitlement, subject to all exceptions.

**JUDGE** 

**JUDGE** 

Sulemen Khan/PA