

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No.D-181 of 2025

Date	Order with signature of Judge
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Before:

Mr. Justice Arbab Ali Hakro;

Mr. Justice Abdul Hamid Bhurgri.

Petitioner : Mour Ali son of Akram Ali Lighari,
through Mr. Ashfaque Hussain Abro,
Advocate.

Respondents No.1 to 7 : Vice Chancellor SMBBMU and 7 others.
through Mr. Sarfraz Ali Abbasi, Advocate,
Mr. Liaquat Ali Shar, Additional Advocate
General Sindh.

Date of Hearing : ***13.11.2025.***
Date of Order : ***13.11.2025.***

ORDER

Abdul Hamid Bhurgri, J.- Through this petition, the petitioner has sought directions for the respondents to allow him to retire from his service as Pump Man (BS-10) instead of Naib Qasid (BS-06) and to pay him all retirement benefits.

2. Case of the petitioner is that in the year 2012 he had moved an application through proper channel towards Secretary health Government of Sindh for appointment as pump Man on vacant post, on such application secretary Health called report from University, the concern respondents confirmed that the post of Pump Man (BS-05) is lying vacant, resultantly he was appointed by way of transfer and posting with previous seniority, such appointment order was issued by Secretary Health department, subsequently University also issued identical appointment letter to the petitioner and such information also floated towards Secretary Health Government of Sindh as compliance. After appointment as Pump Man his service book was maintained by the concern quarter not only this but Director HR also issued service structure on completion of 5 year service, as per seniority of employees, which reflects petitioner's name. The petitioner further submitted that his grievance is that, he moved an application that he is about to be retired from his service with effect from 21 January 2025, such application was received for further necessary action and surprising the

respondent No.2 passed an order and allowed the petitioner to retire from government service on superannuation basis with effect from 29.07.2025 as Naib Qasid (BS-06), on receipt such order, he got shock to see his designation as Naib Qasid, while he is serving as Pump Man BS-10 since 2012 till to date, not only this but his superannuation is completed on 21 January 2025. He further submitted that he time and again approached the respondents and disclosed his anxiety in respect of above noted genuine grievance but no heed has been paid. He further submitted that the petitioner after appointment as Pump Man, he has been posted as Hostel Clerk at Hostel 5 of the SMBBMU, his last posting place is Hostel 5 of the University; he relied upon such attendance letter as evidence. He also received salaries to the post of Pump man and his amount was deducted being a pump man. He has produced salary slip as evidence. He submits that his fundamental rights have been violated and action of the respondents is arbitrary and finding no fruitful result, he has filed petition.

3. In response, the respondents No.1 to 7 have filed comments; they have denied that Secretary Health has appointed him as pump man. They denied that order dated 14.01.2012 is not appointment letter of the petitioner as pump man. The respondents further submitted that the petitioner himself has submitted application for his retirement from 21.01.2025, which was allowed by the competent authority for voluntary retirement from the above date, such letter dated 12.03.2025 was issued by H.R department of the University. They further contended that since the petitioner was appointed as Naib Qasid and he never been appointed a pump man hence his claim is against the law and facts. In the end they prayed that the petition be dismissed being meritless.

4. The respondent No.8 has also filed his comments in which he submitted that the petitioner was transferred and posted as pump man against the vacant post at Chandka Medical College, Larkana with

condition that he will retain his seniority against his substantive post of Naib Qasid. He has further submitted that after 2012 the Chandka Medical College, Larkana came under the administrative control of Universities and Boards Department Government of Sindh, now the petitioner is an employee of Shaheed Mohtarma Benazir Bhutto Medical University Larkana, which is under the administrative control of Universities and Boards Department Government of Sindh.

5. We have heard learned counsel for the parties and have gone through material available on record. The controversy in the present petition is that whether the petitioner has been appointed as pump man against vacant post and his notification for retirement as Naib Qasid is illegal and unlawful. Both the petitioner and respondents have produced documentary evidence to substantiate their claims. The respondents No.1 to 7 have placed on record the service book of the petitioner and submitted that original is with the petitioner. The petitioner has also produced documents which reflect that he has been serving as pump man in the University. This Court is of the view that this controversy cannot be resolved by way of Constitution Petition as disputed questions and facts are there, however, in view of the documents produced by both the petitioner and respondents, it will be appropriate to refer the matter to Secretary Health Department Government of Sindh to appoint any official to conduct inquiry into the matter after hearing the petitioner and respondents and perusal of the documents placed by both the parties before him preferably within two months of receipt of this Order. The petition stands disposed of in above terms.

JUDGE

JUDGE