

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

C.P. No.D-655 of 2025

[Ladhu Singh vs. Province of Sindh & others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON.
JUSTICE RIAZAT ALI SAHAR.

Mr. Velji Rathore, Advocate for petitioner.

Mr. Mir Sarfaraz Ali Talpur, Advocate for respondents.

Mr. Muhammad Sharif Solangi, Assistant Advocate General, Sindh .

Date of hearing& decision: 10.12.2025.

ORDER

ADNAN-UL-KARIM MEMON, J-.

The petitioner prays that this Court may:

- a. Declare the relieving/termination letter dated July 8, 2024, as void and without lawful authority.
- b. Direct the respondents to restore the Petitioner's service with all back benefits, including withheld salary and allowances.
- c. Restrain the respondents from taking any coercive action against the petitioner without due process of law.
- d. Direct the respondents to bear the costs of the petition.

2. The case of the petitioner is that he has been employed as Naib Qasid (BPS-1) in Local Government Department, Union Council Jhirmirio, Taluka Diplo, District Tharparkar, since November 9, 2012, and has performed his duties diligently without complaints. Following the Local Government elections, Respondent No.6 was elected Chairman and allegedly attempted to extort a share from employees' salaries. The petitioner did not comply, and his salary was stopped in December 2023. Despite repeated requests, applications and legal notice, the respondents did not release his salary. In response to the legal notice, Respondent No.3 issued an appearance letter along with the petitioner's service profile and bank statements dated August 8, 2024. The petitioner appeared with records, and Respondents 5 & 6 assured him that the salary would be released, yet it was not. The petitioner then approached the Home Department on November 7, 2024. It is urged that the petitioner's brother subsequently received three show-cause notices alleging the petitioner's absence. The petitioner responded, but Respondent No.5 refused to accept the replies, compelling him to send them by post. These actions suggest malice, as the petitioner had consistently performed his duties. The salary stoppage has caused him severe financial hardship.

3. Counsel for the petitioner submitted that previously, the petitioner filed CP No.D-1789 of 2024 for release of his salary. Respondents failed to appear, prompting the Court to issue bailable warrants. They later submitted comments along with relieving/ termination letter and a General Body Resolution. The Court disposed of the

petition, directing the petitioner to challenge the termination letter. Inquiry revealed that the Union Council Members were unaware of the meeting and that their signatures were allegedly managed by the Chairman. The petitioner's co-employees, Murad Ali and Bhamar Singh, had their salaries withheld temporarily but were later released, while the petitioner's salary remained unpaid, indicating discriminatory treatment. Local Government directives prohibit withholding salaries or relieving employees without prior government permission. The petitioner counsel contends that the relieving/ termination letter dated July 8, 2024, issued by the Chairman, is without jurisdiction, void ab initio, as the Chairman is neither the appointing nor disciplinary authority. Only the competent appointing authority or the Regional Director may impose penalties after due inquiry. He alleges violations of Articles 4, 9, 10-A, and 25 of the Constitution. He lastly prayed to allow this Petition.

4. Learned AAG submitted that the petitioner was continuously absent from duty from December 1, 2023 to January 31, 2024, without any intimation. Respondent Secretary issued multiple show-cause notices dated December 19, 2023, February 2, 2024, and April 3, 2024, but the petitioner failed to respond. Consequently, the salary was stopped due to absence. A General Body Meeting held on July 1, 2024, passed a resolution to relieve absconding employees, including the petitioner. The termination letter was sent to the Additional Chief Secretary, Local Government, Sindh on July 8, 2024. Further, on March 5, 2024, the Local Government Department, Government of Sindh, confirmed that certain appointment orders for employees of Union Council Jhirmirio, including Bhamar Singh, Ladho, and Murad Ali, were fake. He prayed to dismiss the petition.

5. Heard learned counsel for the parties and perused the record.

6. The petitioner claims that he has been unlawfully denied his salary and wrongfully terminated, alleging malice and procedural irregularities by the respondents. He contends that the relieving/termination letter dated July 8, 2024, issued by the Chairman is without jurisdiction, void ab initio, and contrary to the provisions of the Sindh Local Government Act, 2013, and fundamental rights under Articles 4, 9, 10-A, and 25 of the Constitution. The respondents, however, assert that the petitioner remained absent from duty from December 1, 2023, to January 31, 2024, without notice, despite repeated show-cause notices. They further submit that a General Body Meeting held on July 1, 2024, passed a resolution to relieve absconding employees, including the petitioner, and that the termination letter was issued in accordance with administrative procedures. Additionally, some appointment orders of co-employees were confirmed as fake by the Local Government Department.

7. The resolution of this petition, therefore, hinges on determining whether the petitioner's absence was unjustified and whether the Chairman acted within his lawful authority, or whether the petitioner's rights were infringed through malicious actions and procedural irregularities.

8. We have noticed that the petitioner's appointment has been declared fake, albeit at a belated stage, coupled with his prolonged absence from duty.

9. In view of these circumstances, this Court cannot adjudicate the dispute regarding the alleged fake appointment and his non-attendance. The petitioner may, however, file an appeal against the termination of his service before the competent authority, if so advised, who shall hear him and pass a reasoned/speaking order within two months from the date of filing of such appeal. Accordingly, this petition stands disposed of in the above terms, without touching the merits of the case.

JUDGE

JUDGE

Karar_Hussain/PS*