

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Constt: Petition No.D-3774 of 2012.

- 1- Sikander Ali S/o Wazir Khan, Kalhoro,
muslim, adult, R/o Village Hussain Kalhoro,
Taluka Bhiria, District Naushahro Feroze.
- 2- Wazir Ahmed S/o Muhammad Yousuf, Areejo,
muslim, adult,
R/o Village Sharif Areejo, Taluka Bhiria,
District Naushahro Feroze.
- 3- Syed Arif Hussain S/o Syed Soomar Shah,
muslim, adult, R/o Village Ali Wahan, UC Muhabatdero Jatoi,
Taluka Kandiaro, District Naushahro Feroze.
- 4- Ghulam Murtaza S/o Ghulam Mustafa,
Muslim, Adult, R/o Village Muhammad Yousuf Taggar,
P.O Sonehri Farm, Taluka Moro,
District Naushahro Feroze.

.....PETITIONERS

VERSUS

- 1- Province of Sindh,
through Secretary Education & Literacy Department
Govt. of Sindh,
Sindh Secretariat, Karachi.
- 2- Director School Education,
Sukkur Region, Sukkur.
- 3- District Education Officer,
Naushahro Feroze.
- 4- Aminat Memon,
District Education Officer,
Naushahro Feroze.
- 5- Executive District Officer,
Naushahro Feroze.
- 6- Afroze Jokhio,
Assistant District Officer (Female)
Taluka Bhiria, District Naushahro Feroze.
- 7- Hajjan Khushikh,
Assistant District Officer Education Elementary (Male)
Taluka Kandiaro, District Naushahro Feroze.

ORDER SHEET

THE COURT OF SINDH BENCH AT SUKKUR

C.P.No.D- 3224 of 2012.

(67)

- 1.For Katcha Peshi.
- 2.For Hearing of CMA 10030/12.

10.04.2013. Mr.Hadi Bux Bhatt advocate for the petitioners.

Mr.Noor Hassan Malik State Counsel.

Through instant petition, the petitioners have invoked constitutional jurisdiction of this Court and pray as under:-

- (a) To direct the Respondents No.2 to 8 to immediately release the monthly salaries of the petitioners which are due towards the education department, which have been withheld without lawful authority and justification.
- (b) To declare that the Letter No.DOOE/ 50 dated 23.7.2012 issued by the Respondent No.5, is without lawful authority and justification, as such the same is liable to be cancelled.
- (c) To direct the Respondents No.2 to 8 to release/start the salaries of the petitioners, as they are performing their duties regularly, to the satisfaction of all concerned.
- (d) To grant ad-interim injunction, thereby directing the Respondents not to pass any adverse orders against the petitioners with regard to their services, till final disposal of the instant petition.

2. Respondent No.3 filed para-wise comments, wherein, it is contended that:-

"petitioners were appointed as Chowkidar being Plot donors as per decisions of Honourable Court. These posts of Chowkidars were vacated by the contractual employees

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ORDER SHEET
D-3224/12

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who were appointed as Chowkidars in 2007 on contract basis of 03 years. Their services terminated after completion of 03 years contract period. The above mentioned petitioners were adjusted against these posts vacated by contractual employees. After termination of their services the contractual employees filed petitions before Honourable Court and the Honourable Court restored their service, hence they were again re-appointed and salaries of above petitioners have been stopped. However the SNE for creation of new posts of Chowkidars have been demanded to adjust the petitioners".

3. Since the appointment of petitioners is not disputed, and the respondent No.3 has categorically admitted the claim of the petitioners and further he submits that new SNE for creation of the posts of Chowkidars for the petitioners, is already demanded from the competent authority, therefore petitioners will be adjusted after creation of such posts. It is pertinent to say that petitioners cannot be deprived from salary, when they are performing their duties, for an indefinite period on the pretext of SNE, therefore, instant petition is allowed. Consequently, the respondent No.1 is directed to do the needful within two months under compliance report.

JUDGE

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