

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-5607 of 2026

[Nadeem Ahmed V. Province of Sindh and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Before;
Mr. Justice Muhammad Saleem Jessar;
Mr. Justice Abdul Hamid Bhurgri.

- 1. For orders on Misc. No.22003/2026.
- 2. For orders on Misc. No.22004/2026.
- 3. For hearing of main case.

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Date of hearing and Order:- 02.09.2026

Mr. Illahi Bux Lakho, Advocate for the petitioner.

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Abdul Hamid Bhurgri, J.- Through this Constitution Petition, the petitioner has prayed as under:-

- a. DIRECT Respondents No. 6, to immediately complete and submit all required codal formality verifications to Respondents No. 4 & 5 (AG Sindh) as solicited vide AG Sindh letter dated 27.02.2023.*
- b. DIRECT Respondents No. 4 & 5 (Accountant General Sindh) to immediately issue the regular monthly salary of the Petitioner in BPS-11 and release all accumulated arrears/back-dues of salary of the Petitioner from the date of his initial appointment till date.*
- c. DIRECT the Respondents to ensure regular and uninterrupted payment of monthly salary to the Petitioner in the future without any hindrance or harassment.*
- d. GRANT any other relief or remedy that this Honourable Court deems fit and proper in the circumstances of the case.*

2. The petitioner’s case is that he was appointed as a Junior Clerk in the Revenue Department on 04.06.2012 through Offer Letter No.ASSTT/ADMN-I/BOR/2012/752 and Order No.Asstt/Admn-I/BOR/2012/802, copies whereof are available at pages 17 and 19 of the petition, respectively. He claims to have rendered continuous and unblemished service for more than a decade. During the course of his service, he was transferred to the office of the Deputy Commissioner, Malir, on 13.03.2013 and was subsequently upgraded from BPS-07 to BPS-11 on 04.08.2016. In the year 2020, he was posted in the office of the Mukhtiarkar, Murad Memon, Karachi, where he continued to perform his duties. His

grievance is that, despite rendering service, his regular salary and the arrears accrued on account thereof have not been released.

Learned counsel for the petitioner submits that the petitioner repeatedly approached the competent authorities for the release of his salary and arrears, but to no avail. He thereafter filed C.P. No.D-588 of 2023, seeking substantially the same relief; however, the said petition was dismissed for non-prosecution on 25.09.2025. A copy of the dismissal order is available at page 141 of the Court file.

3. We have heard learned counsel for the petitioner and examined the material available on record.

4. At the outset, learned counsel was confronted with the maintainability of the instant petition in view of the fact that the petitioner's earlier petition, founded upon the same cause of action and seeking substantially the same relief, had already been dismissed for non-prosecution and no application for its restoration had been filed. Learned counsel was unable to offer any satisfactory explanation. The petitioner cannot circumvent the earlier dismissal by instituting a fresh petition on the same cause of action; his appropriate remedy, if otherwise available under the law, was to seek restoration of the earlier petition.

There is yet another insurmountable legal impediment. According to his own showing, the petitioner is a civil servant, and his claim for the release of salary and consequential arrears squarely relates to the terms and conditions of his service. The jurisdiction of this Court in respect of such a service matter is, therefore, barred by Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, and the petitioner must avail himself of the remedy provided under the applicable service laws before the competent forum.

5. For the foregoing independent reasons, the instant petition is not maintainable and is accordingly dismissed in *limine*, along with the listed applications.

JUDGE

JUDGE
HEAD OF CONST. BENCHES

Ayaz Gul