

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-591/2011

Date **Order with signature of Judge**

Present

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Abdul Ghani Soomro

Syed Amir Hussain Shah Petitioner

V E R S U S

Province of Sindh & others Respondents

Date of hearing: 19.08.2016

Mr. Imtiaz Solangi, Advocate for the Petitioner.

Mr. Abdul Jalil Zubedi, A.A.G.

Muhammad Ali Mazhar, J: Learned counsel for the petitioner argued that indeed in the year 1986 the petitioner was appointed as Shift Engineer/Mechanical Engineer in Thatta Sugar Mills, Thatta, a project of Sindh Sugar Corporation Limited, Government of Sindh. The said Mill was later privatized and its employees were declared surplus who reported to the surplus pool of Services, General Administration & Coordination Department (SGA&CD), Government of Sindh for further absorption. The learned counsel pointed out Page 33 of the petition which is duty joining report in the surplus pool of SGA&CD, Government of Sindh w.e.f. 25.07.2006. He further argued that representation was also sent to the Chief Secretary, Government of Sindh. Since 26.04.2012, the petitioner has been posted in STEVTA as Instructor (Mechanical) in BPS-16. Presently the petitioner claims that no salary has been paid to him for the period he remained in the surplus pool, therefore, this petition has been filed. The petition is disposed of with the

directions to the Chief Secretary, Government of Sindh as well as the Secretary, SGA&CD, Government of Sindh to look into the matter and if salary of the petitioner has not been paid for the period he remained in the surplus pool then necessary steps shall be taken to ensure the payment of salary to the petitioner. Time and again hon'ble Supreme Court as well as other Superior Courts observed that if a person asks to report to surplus pool, his salary cannot be blocked, but in this case the petitioner was retained in the surplus pool for a considerable time and in the year 2012 he has been given posting in some other department. To remain in a surplus pool is not the fault of the person, but it is fault of the concerned department/competent authority who found fail in their duty to allow new assignments and postings so that a person may perform his duty according to his best ability and to retain a person in surplus pool to an unlimited period also amounts to undue burden on Government's exchequer. This order should be complied with within two (2) months. The petition stands disposed of alongwith the pending application. Copy of this order may be transmitted to the learned A.A.G. for compliance.

Judge

Judge

Asif