

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Constitutional Petition No.D-1869 of 2015

Order with signature of Judge(s)

Present:
Muhammad Ali Mazhar, J
Abdul Maalik Gaddi, J.

Muhammad Rizwan Yaqoob Petitioner

Versus

The Secretary, Education
& Literacy Department
& others Respondents

21.10.2016

Mr. Shoa-un-Nabi alongwith Petitioner
Mr. Abdul Jalil Zubedi, Assistant Advocate General Sindh

Muhammad Ali Mazhar, J. Basically the Petitioner has challenged the Office Order dated 15.12.2014 whereby he was relieved from duties as Lecturer from Government College of Commerce & Economics, Karachi to report the Director College Education, Karachi Region. On transfer he approached to the Services Tribunal and filed Service Appeal No.374 of 2015. The order of the Services Tribunal dated 09.3.2015 reflects that the Respondent No.2 the Director General (Colleges), Sindh treated the Transfer Order to be null and void from retrospective effect and the Petitioner was directed to continue his work/duties to his parent college. Since the order was withdrawn, therefore, the service appeal was dismissed in limine. Thereafter the Petitioner has approached this Court for the same relief.

2. The Petitioner admits that during intervening period he has been given posting to perform his duties as Lecturer in Government College for Women, Shahrah-e-Liaquat, Karachi where he is properly performing his duties without any objection, therefore, the question of posting is over, but he submits that his six months' salary is still unpaid.

3. Though the learned Assistant Advocate General raised the issue of maintainability that being a civil servant Petitioner has no right to approach this Court keeping in view the bar contained under Article 212 of the Constitution of Pakistan, however, he submits that the question of salary will be intimated and communicated to the concerned department and this Court may also issue some directions to the Respondent No.3 for the payment of unpaid salary.

4. In view of this statement this petition is disposed of with the directions to Respondents No.1 to 3 to look into the matter and if six months' salary is still unpaid to the Petitioner, the Respondents will ensure the payment of Petitioner's salary within one month.

Copy of this order may be transmitted to the Assistant Advocate General for compliance.

JUDGE

JUDGE