

*Order Sheet*  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Constitutional Petition No. D –6032 of 2019**

Before:

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Waqarullah Korejo

*Versus*

The Government of Sindh and 03 others

Date of hearing & order : 29.10.2020

Petitioner Mr. Waqarullah Korejo advocate present in person.

Mr. Ali Safdar Depar, Assistant A.G Sindh along with Ghulam Ali Birhmani, Additional Secretary (Services) SGA&CD and Javed Khawaja, Litigation Officer, Education & Literacy Department, Government of Sindh.

**ORDER**

**ADNAN-UL-KARIM MEMON, J.** The petitioner claims that he was appointed by respondent No.3 as Legal Consultant on contract basis vide letter dated 01.04.2011 which assignment continued up to 31.12.2018. Per petitioner, he continued to appear in various Courts to represent the respondent-Chief Programme Manager, Reform Support Unit, Government of Sindh, until the end of April 2019, but his salary for five months has been withheld by the respondents.

2. Mr. Ali Safdar Depar, Assistant A.G Sindh, has refuted the claim of the petitioner on the premise that his contractual service came to an end in the year 2018, and he was paid all his dues ; and, after that he voluntarily appeared before the Courts of law on behalf of the respondents which action on his part is not justifiable under the law. He prayed for dismissal of the instant petition.

3. Record reflects that after expiration of his contractual assignment on 31.12.2018, the petitioner appeared before this Court in a number of cases on various occasions to represent the respondents and the respondent-department never raised any objection that his services were terminated after completion of his contractual service. They waited for five months and are now opposing the petitioner's request. These are disputed questions of fact which cannot be decided in the writ jurisdiction. Moreover, it is for the competent authority to look into the matter and to take appropriate measures.

4. Accordingly, the Chief Secretary Sindh is directed to hold an inquiry in the matter in order to ascertain as to why the petitioner was repeatedly allowed to appear before this Court in the matters pertaining to the Government of Sindh after expiration of his contractual period. If it is found that the petitioner was allowed unauthorizedly to represent the respondents, responsibility should be fixed upon the delinquent official(s) ; and, in case the said appearance of the petitioner was authorized, the matter of his salary for the disputed period must be resolved. The entire above exercise shall be completed by the Chief Secretary Sindh within four (04) weeks from the date of receipt of this order strictly in accordance with law and after providing opportunity of hearing to the petitioner. Let notice be issued to the Chief Secretary Sindh for compliance.

The petition and application pending therein are disposed of in the above terms with no order as to costs.

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