

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. Nos.D-6928 of 2016
Shakil Ahmed & others ..Vs.. The Secretary, Agriculture Sindh, & others

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

*BEFORE: Justice Irfan Saadat Khan,
Justice Agha Faisal, JJ*

1. For hearing of Misc. No.19888/2021
2. For hearing of Main Case.

11.11.2021

Mr. M. B. Khatian, Advocate for the Petitioner.
Mr. Ali Safdar Deepar, A.A.G. Sindh a/w Shahabuddin Abro,
Addl. Director Agriculture Engineering Workshop Thatta &
Mr. Zulfiqar Ali Vistro, Focal Person Legal Matters
Agriculture Department.

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Irfan Saadat Khan, J. This petition has been filed on the ground that the petitioners were not given their salaries after joining their duties in the year 2011. Notices thereafter were issued to the Respondents in response thereto comments were filed. Mr. M. B. Khatian, Advocate appeared on behalf of the petitioners and stated that the Respondents have violated Articles 19 & 25 of the Constitution of Islamic Republic of Pakistan as their legally due salaries were not paid to them. He invited our attention to the appointment letters of the petitioners and stated that the petitioners are entitled for their salaries.

Learned A.A.G. on the other hand has refuted the arguments advanced by the learned counsel and stated that no doubt the petitioners were appointed in the year 2011 but they never joined their duties and due to this reason the salaries were not paid to them. He also stated that an explanation letter dated 23.01.2012 was also issued to the petitioners against which no reply was furnished by the petitioners. He stated that the instant petition is wholly misconceived and not maintainable; therefore the same may be dismissed.

We have heard both the learned counsel at considerable length and have perused the record.

The record reveals that the petitioners were appointed in the year 2011, however the fact that whether they joined the duty or not is not ascertainable from the record. It is also noted that no attendance register / muster roll has been shown by the Respondents to prove that the petitioners never attended their duties and had remained absent for which reason they were terminated from their services.

In our view, the matter requires factual probe which cannot be done in a writ petition, we therefore, in the interest of justice direct the Secretary Agriculture to look into the matter call the record from the concerned department and after giving opportunity of hearing to the petitioners decide the matter strictly in accordance with law, preferably within a period of one month's time from the date of receipt of the application filed by the petitioners to him. The counsel for the petitioners is directed to move an application in this regard to the Secretary Agriculture within seven days' time which will be considered and decided as noted above within the stipulated time, as given above.

With these directions the instant petition alongwith all the listed and pending applications stands disposed of.

JUDGE

JUDGE

SM