

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

**C. P. No. D-2408 of 2022**

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Date Order with signature of Judge

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**Present: *Mr. Justice Muhammad Junaid Ghaffar*  
*Mr. Justice Agha Faisal***

**Petitioners:** **Muhammad Kashif Hassan & Others,  
Through Mr. Rafiq Ahmed Kalwar,  
Advocate.**

**Respondents:** **Province of Sindh & Others,  
Through Mr. Abdul Shakoor,  
Advocate.**

**Mr. Ali Safdar Deepar, Assistant  
Advocate General Sindh.**

**Date of hearing:** **18.10.2022**

**Date of Order:** **18.10.2022**

**ORDER**

**Muhammad Junaid Ghaffar, J:** Through this Petition, the Petitioners have sought the following reliefs: -

- a) Direct the Respondents to release the salary of the Petitioners for month of February, 2022 and onwards:
- b) Declare that the acts of the Respondents of illegally and unlawfully withholding and stopping the salary of the Petitioners are, illegal, unlawful, unconstitutional and mala fide:
- c) Grant ad interim relief by directing the Respondents to release the salary of the Petitioners for the months of February, March & April, 2022 without any delay,
- d) Restrain the Respondents from intimidating and harassing the Petitioners through illegal tactics involving withholding the salary of the Petitioners till final disposal of the instant Petition;
- e) Grant any other relief deemed just and appropriate in the circumstances of the case."

Notice was ordered and comments have been filed on behalf of Respondents No. 3 & 4 and while hearing the matter we have confronted the Petitioner's Counsel as to Paragraph 2, 3 & 4 of the comments and in response learned Counsel has argued that an affidavit in rejoinder has

been filed, whereas, the Petitioners are regularly working; however, salaries are being withheld for no justifiable reason.

We have heard the Petitioner's Counsel and perused the record. Paragraph 2, 3 & 4 of the comments filed by Respondents No. 3 & 4 are reproduced as under: -

- "2. That the Appointment Orders and other related documents of the Petitioner Nos.1 and 2 seem to be bogus resulting in their salaries were stopped and both were asked to produce following documents as original for verification and scrutiny.
  1. Appointment order.
  2. Joining Report & Joining Order.
  3. Bank Account Opening Slip.
  4. Bank Statement last five years.
  5. First Salary Slip.
  6. First Salary Paid Voucher.
  7. Documents originals in Employee.
3. That the Petitioners never turned up for providing of above mentioned documents. which conduct of the Petitioners further confirmed suspiciousness of their appointments in illegal manners.
4. That likewise Appointment Letters of the Petitioners Nos.3 to 13 also sent to the Respondent No.2 for verification purpose and as yet no response has been received, however, if the letter are verified as genuine the salaries of the Petitioner shall be released.

Perusal of the aforesaid response reflects that insofar as the appointment orders of Petitioners No. 1 & 2 are concerned, they are apparently bogus, whereas, these Petitioners were asked to produce various documents and they never turned up to provide any such documents. Insofar as Petitioners No. 3 to 13 are concerned, their Appointment Letters have been sent for verification to Respondent No.2 and no response has been received as yet. In such circumstances, we cannot accede to the request of the Petitioners Counsel that till such time this exercise regarding genuineness of the appointment letters is carried out, in the interregnum, salaries as claimed be ordered to be released or paid.

In view of the above, apparently the matter involves a factual controversy as to the appointments of the Petitioners, and ordinarily, we ought to have dismissed this petition on this ground alone; however, showing grace for the reason that as per claim of the petitioners that they are still employed; we while showing restraint, do not intend to pass any final order on merits of the case as well as the genuineness of the appointment letters; hence, while disposing of this Petition, we direct the

Respondents to carry out the exercise as stated in the comments of Respondents No. 4 regarding Petitioners No. 1 & 2 by such Respondents, whereas, regarding Petitioners No. 3 to 13 the exercise be carried out by Respondent No. 2. Let such determination be made preferably within a period of 90 days from today and case of each Petitioner be decided separately. Thereafter, the Petitioners if aggrieved, may seek appropriate remedy in accordance with law against such determination.

Petition stands disposed of in the above terms.

**J U D G E**

**J U D G E**

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