

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No. D-1790 of 2022

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

For orders on office objections.
For hearing of main case.

07.02.2023

Mr. Khadim Hussain Leghari advocate for the petitioner.
Mr. Ayaz Ali Rajper Assistant Advocate General, Sindh.

The petitioner, who was appointed as Ward Servant in BPS-02 vide appointment order dated 27.03.2017, has filed this petition praying that the respondents be directed to release his monthly salary. It is stated that his salary has not been paid to him since the date of his joining the service i.e. 12.04.2017. Comments have been submitted by respondents 7, 9, 10 and 13 wherein the appointment of the petitioner and the date of his joining the service have not been disputed. The only reason for not paying / releasing his salary disclosed in the comments is that his ID could not be created. It may be noted that the Medical Superintendent, Sindh Government Hospital Shah Bhattai Latifabad, Hyderabad, in his comments dated 08.09.2022 has stated that after scrutiny of the documents of the petitioner, his documents were sent by the District Accounts Officer Hyderabad to the Accountant General Sindh Karachi for releasing his salary.

The purported reason stated by the respondents for not releasing the salary of the petitioner cannot be accepted, as creation of the ID of the petitioner was the sole responsibility of the respondents, and the petitioner, not having any role therein, cannot be blamed or penalized for its non-creation. In view of the admitted appointment of the petitioner and his joining service, he was entitled to his salary on a regular monthly basis as a matter of right, irrespective of whether his ID was created or not ; and, by not paying his salary on a regular monthly basis, the respondents have deliberately and willfully infringed upon the said valuable fundamental right of the petitioner. Due to such an illegal act and an irresponsible and careless attitude on their part, the petitioner has been deprived of his monthly salary for a long period of sixty nine (69) months without any fault on his part.

In the above circumstances, the respondents are jointly and severally directed to deposit the entire amount pertaining to the outstanding salary of the petitioner with the Additional Registrar of this Court without fail **within thirty (30) days** along with profit thereon at the rate of 15% per annum. At the time of said deposit, they shall also submit a statement clearly showing the period and the break-up of the unpaid salary and the profit thereon. A compliance report in the above terms shall be submitted by the Secretary Health, Government of Sindh, **within forty five (45) days**. Let notice be issued to the respondents for compliance. Learned AAG present in Court also undertakes to communicate this order to them. The amount so deposited by the respondents shall be released in favour of the petitioner without any further order of this Court. In case the outstanding salary along with profit thereon is not deposited in terms of this order within the stipulated period, the Additional Registrar of this Court shall submit a reference before the Court for further orders.

The petition stands allowed in the above terms with no order as to costs.

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Muhammad Danish