

**HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

**C.P No.D-1656 of 2011**

**1. For hearing of M.A No.110/2023**

**Date  
26.04.2023**

Petitioner is present in person

Mr. Rafique Ahmed Dahri, Assistant A.G Sindh

\*\*\*

Through the listed application, the petitioner has prayed that contempt of court proceedings may be initiated against the alleged contemnors for willful defiance of the order dated 19.10.2022 passed by this Court, an excerpt whereof is reproduced as under:-

*“11. In the light of dicta laid down by Honorable Supreme Court in the case of Government of Punjab supra, we direct the Secretary Local Government, Government of Sindh to conduct an inquiry of alleged fraud/forgery in the appointment if any, as discussed in the preceding paragraphs and subsequent events, after providing ample opportunity of hearing to the petitioner and other persons appointed in the same series by the then Nazim in the concerned union council, without codal formalities, fix responsibilities in the matter and take action against the delinquent officials if they are indulged in such appointments, strictly under the law and the observations made by the Honorable Supreme Court in the aforesaid case and submit the report to this Court through Additional Registrar within (30) thirty days from the date of receipt of this order. However, it is made clear that if the appointment of the petitioner as well as the other candidates are found to be genuine the appropriate direction shall be issued in this regard.”*

2. We have heard the applicant on the listed application viz. M.A. No.110/2023 and perused the compliance report, an excerpt whereof is reproduced as under:-

*“Keeping in view of above, it is honorably submitted that the appointment/ all orders of the petitioner are fake and fabricated as per the report of Additional Director, Local Government, District Jamshoro and the subject case is not considerable on merit basis and the plea of the petitioner is un- justified. Thence, Honorable Court may consider the report and dismiss the case and it is also requested to Honorable Court to vacate the contemnor notice in respect of respondent No.01.”*

3. The aforesaid compliance report submitted by alleged contemnors has been objected to by the applicant on the ground that his appointment had been confirmed by UC Nazim Union Council. Petitioner submitted that the compliance report is tainted with malice which is liable to be discarded.

4. Primarily substantial compliance of the order dated 19.10.2022 passed by this Court has been made. Prima-facie, the question of fake appointment of the applicant cannot be decided in contempt proceedings,

which is a separate cause of action and it is for the aggrieved petitioner/applicant to avail his remedy as provided under the law against the purported action on the part of respondents, if any, for the reasons that the Secretary Local Government, Government of Sindh was directed to conduct an inquiry of alleged fraud/forgery in the appointment if any, after providing ample opportunity of hearing to the petitioner and other persons appointed in the same series by the then Nazim in the concerned union council, without codal formalities and fix responsibilities in the matter and take action against the delinquent officials if they are indulged in such appointments, strictly under the law and the observations made by the Honorable Supreme Court.

5. The Secretary Local Government found the appointment of the petitioner as fake which compliance report has now been submitted.

6. Prima-facie the reasons assigned in the aforesaid report are sufficient to discard the point of view of the applicant.

7. In view of the above the listed application stands dismissed.

JUDGE

JUDGE

Sajjad Ali Jessar