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ORDER-SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
C.P.No.D-1034 of 2015.

Date of hearing	Order with signature of Judge
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For katcha peshi.

31.08.2016.

Mr. Ashfaque Hussain Abro, Advocate alongwith Petitioner,
 Mr. Munawar Ali Abbasi, AAG alongwith Athar Ali Mangi, Director,
 College of Education, Larkana, and Ahmed Nawaz, Principal, GDC,
 Shahdadkot.

It is alleged that petitioner Jan Mohammad was appointed as Sanitary worker in Education and Literacy Department Govt. of Sindh, vide Offer letter No.RDCL/HR/Admin/11-264-65/2011 dated 07.1.2011, and after acceptance of said offer letter the petitioner was issued Appointment Order, dated 09.1.2012 by the Respondent No.1, and the petitioner was posted at Govt. Primary Boys Degree College Shahdadkot on contract basis for the period of 06 months. It is further alleged that the petitioner was paid his monthly salary till January, 2015, through National Bank of Pakistan and thereafter he has not been paid salary although he is performing duties on the said post in the same college without any gap, hence he has maintained this petition seeking directions for the issuance of salary from the month of February, 2015 up-to-date.

Comments have been filed by the Respondent No.1, the relevant paragraphs No.2 to 7 are reproduced hereunder:-

Para-1. That the petitioner is respectable and law-abiding citizen residing at the above mentioned address within territorial jurisdiction of this honorable court, and by virtue of the Constitution of Islamic Republic of Pakistan, 1973 his fundamental rights are protected and guaranteed.	No comments.
Para-2. That, the petitioner was appointed as Sanitary Worker Police Station-02) in Education & Literacy Department, Govt. of Sindh, vide offer order No.RDCL/HR/Admin/11-264-65/2011 dated 07.01.2011 and after acceptance of offer petitioner has been appointed and was posted at Govt. primary boys Degree College Shahdadkot on contract basis for the period of Six months (Police Station copy of order is submitted herewith).	No any appointment order issued by this office in favour of petitioner on six month contract basis, whatever order is there, if , any is false and fabricated. AS per report of Principal there is no existence of the petitioner, neither offer nor appointment order is on the record of college. Petitioner Advocate did not submit such copies, only mentioned in the petition.
Para-3. That, after fulfilling the requisite formalities the petitioner joined his service	There is no any record in the college, which reveals the

in the said school.	existence of petitioner, false and fabricated petition moved by him.
Para-4. That, after his appointment, the petitioner have been discharging his duty very honestly, efficiently, with hardworking, full devotion and dedication and to the entire satisfaction of his superiors and there is nothing adverse on his part.	Vehemently denied, there is no anyone named above petitioner in the college it is incorrect to any by the petitioner.
Para-5. That, the petitioner was paid his monthly salaries till Jan, 2015, through National Bank where his account was opened on the request of Respondent No.2 (such letter is enclosed) form Feb, 2015, up to day where after he has not been paid his salary although the petitioner is all along performing his duties on the said post in the same college without any gap or fault on his party.	That, the I.D of petitioner was directly opened by the District Accounts Officer, Kamber @ Shahdaddock. There is no any letter issued by the Principal concerned besides. It, no any letter for opening of his account issued he was drawing his salary if any with collaboration of District Accounts Officer. The petition seems false and fabricated. The Principal concerned also intimated the District Accounts Officer according to his letter. Fake I.O having No.10751543 opened by District Account Officer on whose letter such I.D was opened District Account Officer may well explain this.
Para-6 That, the petitioner kept on approaching the respondents No.1 & 2 continuously for release of his salaries from February 2015, but they always kept the petitioner on false hopes and promises that soon his salaries will be released, but till date nothing was paid to them.	Since very beginning he has not remained employee of our department. He was using fake I.D.
Para-7. That, the respondents being public functionary are legally suffered a lot and they are passing very hard days of their life. To bound to release the salaries of the petitioner, but with malafide intention the respondents kept on false hope without assigning any cogent reason, due to which the petitioners have suffered a lot and they are passing very hard days of their life. To have their monthly salary in time is the fundamental right of every employee, but due to above-stated attitude of respondents the petitioner are unable to draw his legal dues of monthly salaries for the above-stated period.	He was not employee and drawing his salary through fake ID, which was opened y District Accounts Officer on whose directions, or letter, best known to him. The claim of petitioner is baseless.

The counsel for the petitioner submits that the petitioner was appointed on contract basis after complying with all required formalities and he has received his salary up-to the month of February, 2015, therefore the comments filed by the Respondent No.1, alleging therein that the appointment letter of the petitioner so also his I.D, are fake, is not correct.

On the other hand learned Asstt. A.G submits that from the comments of the Respondent No.1, it is crystal clear that offer the letter as well as the appointment order of the petitioner are fake and fabricated documents and no record is available with the college showing that the petitioner was appointed on contract basis. He further submits that petitioner had directly opened his I.D with District Accounts Office, Kamber-Shahdadkot whereas no such letter in this regard was issued by the Principal of the College or the Director Colleges and when it came into Knowledge of official respondents that such ID has been opened with the collaboration of the District Accounts Officer, the Principal concerned intimated to the District Accounts Officer in writing. The learned AAG has also submitted that it is the matter of great concern that a person claims salary on the basis of fake offer letter and appointment order and he has drawn salary by opening I.D with the District Accounts Office, Kamber-Shahdadkot therefore, not only this petition be dismissed but the matter be referred to Anti-corruption authority to make through inquiry with regard to the issuance of offer letter and appointment order and opening of I.D with the office of District Accounts Officer, Kamber-Shahdadkot so that the relevant persons who have indulged in this criminal act should be brought to book in accordance with law.

The counsel for the petitioner as well as the petitioner, present in Court, recorded their no objection for referring this matter to Anti-corruption Authority.

We therefore, by consent of learned counsel for the petitioner as well Astt.AG disposed of this petition with direction to the Deputy Director, Anti-corruption establishment Larkana to make inquiry into the matter and on the conclusion of the enquiry, there comes on record the commission of any scheduled office, he shall act further in accordance with law. Such inquiry report shall be submitted by the Deputy Director, Anti-corruption within a period of (03) three months through Additional Registrar.


JUDGE


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