

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C.P. No.D-108 of 2014.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For Hearing of M.A.No.474/2014.
2. For Hearing of main case.

02.11.2017

Mr. Habibullah G. Ghouri, advocate for the petitioner.
Mr. Munwar Ali Abbasi, Asstt. A. G.

Through instant petition, petitioner Imdad Ali son of Muhammad Arab Lashari, seeks regularization of his service.

It is the case of the petitioner that he was appointed on contract basis as Peon in Government Degree College, Larkana Sindh, on the verbal orders of the respondents No.1 & 2, i.e. Regional Director of Colleges Larkana Region at Larkana and Principal, Government Degree College, Larkana, respectively at the fixed pay of Rs.1200/- per month and thereafter he moved an application for the regularization of his services to concerned Authorities but as his grievances were not redressed, he has maintained this petition.

The respondents No.1 & 2 have filed their para wise comments, wherein they have categorically stated that the order of contract appointment of the petitioner from CMC/Computer ^A fund seems to be false, fabricated and fictitious as it is without any outward number and the signature of the then Principal of this College is also fictitious and petitioner has failed to produce any document justifying his claim that he has served 10/12 years as Peon.

We have heard the learned counsel for the petitioner and learned Asstt. A. G and perused the material available on record.

The petitioner although claims that he was appointed by the respondents No.1 & 2, under verbal orders but he has annexed along with memo of petition "a paper" allegedly issued by the then Principal of Government Degree College, Larkana, mentioning the name

of the petitioner as Peon at monthly salary of Rs.1200/-, which under
no circumstances can be termed as appointment order and at the most
it can be termed as personal certificate which does not qualify as
appointment order, therefore, the petitioner has failed to establish that
he was in fact appointed as Peon by the then Principal of the
Government Degree College on contract basis. Even otherwise, since the
respondents have disputed the appointment of petitioner on contract
basis by stating that so called appointment letter is false, fabricated and
fictitious one, and under such circumstances, we cannot entertain the
disputed facts under constitutional jurisdiction of this Court, as
adjudication of the same requires recording of pro and contra evidence
of the parties. Accordingly, we dismiss this petition being not
maintainable under the law, however, leaving the petitioner at liberty to
approach the competent forum for the redressal of his grievances, if so
advised and available to him under the usual mode of proceedings.


Judge


Judge