

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C. P. No.D-801 of 2022
(Khalid Ahmed v. Administrator/Chief Officer, District Council Larkana & Ors)

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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BEFORE:

Mr. Justice Muhammad Saleem Jessar.
Mr. Justice Adnan-ul-Karim Memon.

Date of hearing and Order: 13.03.2025

Petitioner present in person.
Mr. Liaquat Ali Shar, Addl. A. G assisted by Mr. Aftab Ahmed
Bhutto, Asstt. A. G.

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ORDER

Adnan-ul-Karim Memon, J:- Petitioner is present in person, and submits that the petitioner is deprived of his monthly salary right from October 2020.

2. The petitioner was appointed as a Junior Clerk in Union Council Seelra in 2007, later transferred to other Union Councils, and eventually to the District Council Larkana in 2020 with a "No Objection Certificate" (NOC). Since joining the District Council Larkana, he has worked without pay and has been denied access to the attendance register, despite numerous applications and directives from higher authorities. He claims this is a violation of his fundamental rights and seeks a court order to compel the District Council Larkana to pay his back wages and current salary and allow him to sign the attendance register. He also shows that his pay grade was upgraded twice during his time working.

3. The respondents submit that the petitioner is a Union Council employee, not a Local Government Department employee and that Union Council employees are not transferable between councils due to their corporate body status. The respondent cites legal precedents and government directives stating that transfers of Union Council employees between councils are invalid. The respondent claims that the NOC the petitioner used for his transfer to the district council Larkana was not correct and that he was not allowed to join his duty in the district council Larkana due to a lack of a vacant post. The respondent also claims that the Local Government Department has not issued any appointment or transfer orders for the petitioner. The respondent states

that the petitioner is an employee of Union Council Seelra, and not the Local Government Department and prayed for dismissal of the petition.

4. We have heard the parties present in court and perused the record with their assistance.

5. We have been informed that Union Councils are legally recognized as "corporate bodies," meaning they are independent entities separate from their staff. This grants them the ability to enter contracts, own property, and engage in legal actions independently. As employers, each Union Council establishes its own employment contracts and service rules. Transferring employees between Union Councils is not a simple internal move. It's akin to transferring between distinct companies due to their separate legal status. Such transfers disrupt the financial and administrative autonomy of each council, which has its own budget, structure, and service responsibilities. Furthermore, employees are typically hired and trained to meet the specific needs of their respective geographic areas. Transfers could result in skill mismatches. Maintaining staff within their original councils also ensures clear accountability. Therefore, the independent legal standing of Union Councils, as defined by their "corporate body status," makes employee transfers between them legally problematic. Nevertheless, we will refer the petitioner's transfer and salary issues to the Secretary of the Local Government Department for resolution. The Secretary is directed to resolve this issue within 15 days of receiving this order.

6. This petition is hereby disposed of as outlined above.

JUDGE
13/5/2025