

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

**C. P No. D- 940 of 2024**

**Present:**

Mr. Justice Zulfiqar Ali Sangi

Mr. Justice Abdul Hamid Bhurgri.

**Petitioner** : Mumtaz Ali Ansari, through Mr. Jawad Hussain Rajper associate of Syed Jaffar Ali Shah, Advocate

**Respondents 3&4** : Town Officer, Town Committee Bozdar Wada and Chairman, Town Committee Bozdar Wada through Mr. Muhammad Yasin Khaskheli, Advocate

**Respondents 2 & 5** : Chairman and Town Officer, Town Committee, Thari Mirwah through Mr. Shahid Hussain Jogi, Advocate

Mr. Shahryar Imdad Awan, Assistant Advocate General Sindh

Date of hearing : **08.04.2025**

Date of decision : **08.04.2025**

**ORDER**

**ABDUL HAMID BHURGRI, J:-** Through the instant Constitutional Petition, the Petitioner seeks the following reliefs:-

- (a) To direct the respondents to release the monthly salary of petitioner that illegally stopped by them.*
- (b) To direct the respondents will no create any kind of harassment to petitioner and his family members of the petitioner.*
- (c) To restrain the respondents from taking any adverse action against the petitioner till final disposal of this petition.*
- (d) To grant any other relief deemed fit and proper under the circumstances of case.*

**2.** Learned counsel for the Petitioner asserts that the Petitioner is a regular and confirmed employee of the Respondents, and yet, his lawful salary has not been disbursed by Respondent No.2. It is further submitted

that all salary payments were abruptly suspended, despite the issuance of official directions by the Director, Local Government, to the Chairman Bozdar Wada, and Thari Mirwah, on 15.11.2023. Despite repeated entreaties to the Respondents, no redress was afforded. Hence, this petition seeks the release of outstanding salaries.

**3.** Conversely, learned counsel for the Respondents vehemently opposed the Petition, submitting that the Petitioner was transferred from the Town Committee Mirwah to Town Committee Bozdar Wada in October 2023, and since then, he has remained absent from duty. Furthermore, it was contended that the Petitioner is allegedly involved in practices of illegal encroachment and land grabbing, having unlawfully occupied premises belonging to the public library situated in Bozdar Wada.

**4.** Respondents No.3 and 4 have filed their para wise comments denied the allegations of the Petitioner for withholding his monthly salaries. It is further stated by the respondents No.3 and 4 that previously the Petitioner had filed Constitutional Petition No. D-1298 of 2022 before this Court, seeking identical relief, which was dismissed vide order dated 14.9.2023 with express directions to the Petitioner to vacate the illegal premises. Instead of complying with the orders of this Court, the Petitioner engaged in deliberate misrepresentation by initiating fresh legal proceedings based on fabricated documents and filed Civil Suit No. 168/2023 before the Senior Civil Judge, Mirwah, which was also dismissed. The subsequent Civil Appeal filed by the Petitioner also met the same fate. Thereafter, Civil Revision No.S-268/2023 was filed before this Court and was similarly dismissed vide order dated 4.10.2024, following which illegal possession was removed by the Anti-Encroachment Police. Upon regaining control of the property, it was discovered that several articles belonging to the public library had been stolen. Consequently, FIR No. 43/2024 was registered against the Petitioner at Police Station Bozdar Wada.

**5.** The preceding order unequivocally establishes that the Petitioner had earlier filed litigation seeking identical relief. The Petition was disposed of. Rather than abiding by the judicial pronouncement, the Petitioner sought to re-agitate the matter by misusing judicial process and submitting fictitious documentation.

**6.** This Court notes with grave concern that such material misrepresentation was designed to obstruct justice. Indeed, an FIR has already been lodged against the Petitioner in connection with the theft from the public library.

**7.** All these damning facts were consciously suppressed by the Petitioner. Such deliberate concealment is reprehensible and constitutes a grave abuse of the judicial process. It is equally alarming that the Counsel appearing for the Petitioner in the prior litigation, Mr. Sajjad Hussain Dayo, failed to disclose the previous proceedings. The other counsel, Mr. Jaffer Ali Shah, representing the Petitioner herein, also withheld these critical facts. Such conduct is entirely unbecoming of an Advocate. Courts rightly repose trust in officers of the court and expect the highest standards of professional candour. Any deviation from such ethical standards warrants serious censure. Should such unethical behavior persist in future, the matter will be referred to the Bar Council for disciplinary action.

**8.** This Court categorically deprecates the Petitioner's conduct and the reprehensible attempts to manipulate the judicial process.

**9.** In light of the foregoing, this Petition, tainted by suppression of material facts and devoid of merit, is accordingly dismissed with costs of Rs.10,000/- to be deposited with the Clinic of the High Court by the Petitioner within 15 days. Non-payment of said costs shall render this Petition liable to be fixed for further orders.

Judge

Judge

ARBROHI