

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-4994 of 2023

(Muhammad Kamran v Province of Sindh & others )

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Muhammad Karim Khan Agha  
Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and order:- 07.10.2025**

Mr. Muhammad Ilyas Warraich advocate for the petitioner.  
Ms. Saima Imdad, AAG

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**ORDER**

**Adnan-Ul-Karim Memon, J:**           The petitioner requests this Court to:

- i) *Direct the Respondents Nos. 1,2, and 3 to release the monthly salaries of the petitioner from 28.10.2021 onward, according to the documentary evidence provided by the petitioner.*
- ii) *Direct the Respondents No. 1,2, and 3 to pay the monthly salaries of the petitioner from the abscond period, as he was intact with his service, but not clarified due to a clerical mistake of the department from 27.03.2018 to 28.10.2021, according to the Letter Ref. No. GDBC/Admin/5L/698/2023 dated 04.10.2023 and under the rule and regulations of the service, the petitioner is entitled to claim his monthly salaries for the so-called abscond period.*

2.       The petitioner, Mr. Muhammad Kamran (Junior Clerk), is seeking the release of his salary since October 28, 2021. He claims he is performing his duties, but the respondents are withholding pay because they haven't cleared his case with the Accountant General, Sindh, due to an objection.

3.       The respondent clarifies that the salary stoppage is due to the petitioner's unauthorized absence of 5 years and 8 months (from March 6, 2018). Petitioner was appointed as Junior Clerk (BPS-07) in 2010, relieved in March 2018 for absence. His salary was provisionally released in December 2023, following this Court's order passed in CP No. D-1994 of 2023. The petitioner's long absence contradicts service rules. Rule 33 SCSR provides that a government servant may cease to be an employee after three years of continuous absence. Rule 19 Leave Rules also provides that an employee with less than 10 years of service can only be granted a maximum of two years of extraordinary leave. However, the Directorate has sought clarification from the Regional Director regarding the 5-year, 8-month absence but is awaiting a reply. However, a subsequent order by the Directorate decided the petitioner's unapproved leave period, i.e, 27/03/2018 to 26/03/2020 (2 years), decided as Extra-ordinary Leave Without Pay. The period 27/03/2020 to 24/07/2020 (120 days) has also been decided as Earned Leave with Full Pay. So far as the period 25/07/2020 to 28/10/2021 (461 days), which is decided as Half-Average

Pay Leave. At this stage, the petitioner's counsel seeks the disposal of this petition in terms of paragraph three of the letter dated 16.2.2024.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The aforementioned letter prima facie suggests that the unapproved leave period in respect of the petitioner is as under:-

*1. His Period from 27/03/2018 to 26/03/2020 (730 days) is hereby decided as extraordinary leave without pay, according to Sindh Civil Servants Rules 1986, Chapter III, Section sub-rule (i), as he has completed 8 years of service. (Rule copy attached)*

*2. His period from 27/03/2020 to 24/07/2020 (120 days) is hereby decided as earned leave with full pay. According to the Sindh Civil Servants Rules 1986. Chapter II Section & sub rule (a) (Rule copy attached)*

*3. His Period from 25/07/2020 to 28/10/2021 (21 days), thereby decided as leave pay. According to Sindh Civil Servants Rules 1986 Chapter II section 9 sub rule (i) 231 days leave, converted into half average pay as 461 days are granted as half average pay.*

6. The petition is disposed of. The competent authority is directed to review the petitioner's case as per the letter dated February 16, 2024, and issue a decision after hearing the petitioner within two months.

JUDGE

Head of the Constitution Benches