

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Special Original Jurisdiction)**

WRIT PETITION NO. 13384 OF 2022

IN THE MATTER OF:

An application under Article 102 (2) (a) (i) &
(ii) of the Constitution of the People's
Republic of Bangladesh.

AND

IN THE MATTER OF:

Md. Abu Yousuf Mridha & others

.....Petitioners

-Versus-

The Government of the People's Republic of
Bangladesh, represented by the Secretary,
Technical and Madrasha Education Division,
Ministry of Education, Secretariat Building,
Ramna, Dhaka and others.

.....Respondents

Mr. Md. Humayun Kabir, Advocate with

Mr. Haripada Barman, Advocate and

Mrs. Taslima Yeasmin, Advocate

.....For the petitioners

Mr. Bepul Bagmar, DAG with

Mr. Mohammed Rezaul Hoque, AAG

.....For the respondent No. 1

Mr. Muhammad Rafiul Islam, Advocate

.....For the respondent No. 6

Judgment On: 05.12.2023

Present:

Mr. Justice Md. Khasruzzaman

And

Mr. Justice K M Zahid Sarwar

Md. Khasruzzaman , J:

In this writ petition, the petitioners challenged the stopping monthly salary of the petitioners from October, 2022 as shown in the monthly pay order (MPO) in the month of October, 2022 with a remark,- “STOP PAYMENT TEMPORARILY” against their names and index numbers without issuing any show cause notice upon the petitioners or without assigning any reason (ANNEXURE-R) and also sought a direction upon the respondents to regularize or to pay the government portion of salary of the petitioners from October, 2022 and onwards as the teachers and employees of Ikamatedin Fazil Madrasha, Bhanga, Faridpur without making any delay.

Upon hearing the learned Advocates, we find that the Rule can be disposed of within a short compass. Admittedly, the monthly salary of the petitioners was stopped temporarily. We have perused the monthly pay order (MPO) sheet of October, 2022 (ANNEXURE-R) wherein a remark against the petitioners that- “STOP PAYMENT TEMPORARILY”. Without waiting for reaching finality of it, the petitioners filed the instant writ petition challenging the same and obtained the Rule Nisi. Consequently, our finding is that the instant writ petition is premature one.

With the observation as above, the *Rule Nisi* is discharged on the ground of premature without any order as to costs.

However, on consideration of the urgency of the petitioners, the respondents are hereby directed to conclude the proceeding initiated against the petitioners by providing sufficient opportunity to them to defense within 90 (ninety) days from the date of receipt of this judgment and communicate the result to the petitioners immediately. The petitioners may still maintain writ petition, if so advised, after passing final order.

Communicate the judgment to the respondents.

K M Zahid Sarwar, J:

I agree.