

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.D-4260 of 2016

Date	Order with signature of Judge	
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Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Adnan-ul-Karim Memon.

Irshad Ahmed & others Petitioners

V E R S U S

Province of Sindh & others Respondents

Date of hearing 22.12.2016

Mr. Owais Ali Shah, Advocate for the petitioners.

Mr. Abdul Rehman, Advocate for the K.D.A.

Syed Iftikhar-ul-Hasan, Law Officer, K.D.A.

Mr. Iqbal Khurram, Advocate for the K.M.C.

Mr. Abdul Jalil Zubedi, A.A.G.

Dr. Badar Jamil, Metropolitan Commissioner, K.M.C.

Nasir Abbas, Director, General, K.D.A.

Jamil Farooqi, Director, H.R., K.M.C.

Asim Raza, Deputy Director, H.R., K.M.C.

Khalid Mehmood Shaikh, Financial Advisor, K.M.C.

Muhammad Ali Mazhar, J: The bone of contention in this matter is office order dated 21.07.2016, whereby, 105 employees were repatriated in compliance of the order passed by hon'ble Supreme Court. Presently, 27 petitioners are before us and have filed this petition with the prayer that said notification be declared illegal and void. They further prayed that Respondents be restrained from taking any action on the basis of impugned notification.

2. Despite above contention, the teared counsel for the petitioners argued that after issuing Notification for repatriation, the petitioners time and again approached to the

concerned department of K.M.C for submitting joining but they were not allowed to join and they are nowhere.

3. Metropolitan Commissioner, K.M.C. submits that approximately 151 persons have been joined but the present petitioners failed to report, hence K.M.C. is not responsible.

4. On the last date of hearing, we issued notice to the Director General, K.D.A., and Metropolitan Commissioner, K.M.C so that in their presence the matter may be resolved. The Director General, K.D.A. clearly stated that this action was taken in pursuance of the Supreme Court's Judgment where he has already submitted the compliance report. He further states that in the same manner, so many employees have been repatriated to K.D.A. by the K.M.C. and they were also allowed joining by K.D.A. accordingly.

5. Learned counsel for the petitioners raised a grievance that salaries of the petitioners are stopped since August, 2016. The Director General, K.D.A. submits that at the time of repatriation, he had already paid salary for the month of July, 2016 in terms of the order passed by this Court.

6. The petitioners are directed to submit their joining within two (02) days. Immediately after their joining, they will be allowed their posting and their current salary will be paid. So far as arrears of salaries for the month of August, 2016 to November, 2016 are concerned, the Metropolitan Commissioner, Finance Advisor, and Director, H.R., K.M.C stated that due to some financial crunch, the arrears cannot be cleared immediately but they will make all best possible efforts to clear the arrears in the monthly installments but not later than four months. They further submit that after repatriation of more than 285 employees, they need some financial assistance to meet the requirement of their present wage bill. In order to resolve this issue, they may engage in communication with Finance Department, Government of

Sindh for making necessary provision as the employees have been repatriated and exchanged between K.M.C. and K.D.A. on account of the order passed by the hon'ble Supreme Court so, after this order, the Finance Department has to see the basic requirement and make some necessary provision of funds otherwise, the employees will be deprived of their basis and fundamental right of salary. The K.D.A. shall also pass on Provident Fund and Pension contribution of their past employees to K.M.C along with other financial benefits, if any, which accrued to the petitioner during their service in K.D.A Vice versa the Director General, K.D.A. submits that similar order may be passed for the K.M.C. for their employees who have been repatriated to K.D.A. This request seems to be reasonable. The Metropolitan Commissioner, K.M.C and Director General, K.D.A. shall resolve this issue after having a joint meeting in this regard. At this juncture, learned counsel for the petitioners pointed out that petitioner No.21 Mr. Mirza Ghous Baig has expired after passing the order of repatriation, therefore, his dues may be paid to his legal heirs. Dr. Badar Jamil, Metropolitan Commissioner, K.M.C is directed to look into this matter and issue necessary directions to the Finance Department, K.M.C to work out the dues and legal heirs may approach to the Director, H.R., K.M.C. for completing requisite formalities. The dues may be cleared in accordance with law within sixty days time.

7. Since the issue of posting and joining of the petitioners have been resolved and decided, therefore, Director General, K.D.A. will also issue the last pay certificate to petitioners within three working days for further proceedings at the end of K.M.C. The petition is disposed of along with pending applications.

JUDGE

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