

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No. D-6933 of 2018

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Date	Order with signature of Judge
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**Fresh case**

1. For orders on Misc. No. 30385/2018.
2. For orders on office objection No. 4,7 and 22.
3. For orders on Misc. No. 30386/2018.
4. For orders on Misc. No. 30387/2018.
5. For orders on Misc. No. 30388/2018.
6. For hearing of main case.

**03.10.2018**

Mr. Malik Altaf Javed advocate for the Petitioners.

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1. Urgency granted.
  2. Deferred for the time being.
  3. Granted subject to all just exceptions.
  4. One week time is granted to pay the stamp fee.
- 5&6. Counsel states that a petition on identical issue has already been filed, which is pending adjudication before this Court and this petition may also be tagged along with C.P. No. 3139/2018. He has also placed on record copy of memo of petition along with annexures, which is available at page 737 of the file as annexure "I". The counsel for the petitioner categorically states that there is no restraining order passed by the Hon'ble Supreme Court of Pakistan either in the instant petition or in the petition bearing C.P. No. D-3139/2018 or any impugned recovery has been ordered in compliance with the directives of the Hon'ble Supreme Court of Pakistan.

During the course of arguments, we asked from the learned counsel to satisfy this Court that the impugned Notification dated 27.03.2018 issued by the Finance department is in compliance with the order dated 24.08.2012 passed by the Hon'ble Supreme Court of Pakistan in Civil Appeals No. 163-K, 164-K and 165-K of 2010, in

which the Hon'ble Supreme Court dismissed the aforesaid Appeals with direction to the Respondent department to implement the judgment dated 27.04.2010 passed by this Court in C.P. No. D-579, D-599 and D-1121 of 2009, in which, this Court has observed that the petitioners were entitled to the graded pay and other benefits attached to the post and these benefits would be granted from the date of departmental appeals if any filed by such petitioners or from the date this petition was filed, whichever was earlier.

Learned counsel in reply to the query has argued that the impugned Notification is illegal and discriminatory being against the directives issued by this Hon'ble Court in the aforesaid matters and other judgments passed on the similar issue. He further added that the recovery proceedings with regard to the grant of running scale and annual increments in respect of un-trained teacher from date of their appointments, which were set at naught through the Notification dated 21.10.2015 and subsequent to its withdrawal is also illegal through the impugned order passed by the Respondent department.

Be that as it may, we are of the considered view that since similar matter, as discussed supra, is already pending adjudication before this Court, we deem it appropriate to tag the instant petition along with C.P. No. D-3139 of 2018. Let notice be issued to the respondents as well as A.G Sindh for 30.10.2018. In the meanwhile, no adverse inference shall be drawn against the petitioners.

Let a copy of this order be also placed in connected petition bearing C.P. No. 3139/2018.

JUDGE

JUDGE