

*Order Sheet*  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Constitutional Petition No.D-403 of 2018**

Date	Order with signature of the Judge
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1. For hearing of Misc. No.17540/2019 (Contempt) :
2. For hearing of Misc. No.1644/2018 (U/O 39) :
3. For hearing of main case :

**23.09.2020**

Mr. Faizan Hussain Memon, Advocate for the petitioners along with petitioners Ali Raza and Khurram Faizan.

Kamran Ahmed Hamidi, Director General (Finance & Accounts), High Court of Sindh.

Mr. Ali Safdar Depar, Assistant A.G. along with Sikandar Hassan, Deputy Secretary (Legal) Finance Department, Government of Sindh.

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In compliance of order dated 01.07.2020, a meeting was held which was attended by the Director General (Finance & Accounts) of this Court, Assistant Advocate General Sindh, Deputy Secretary (Legal) Finance Department, Government of Sindh, and petitioners 1 and 2. The report / minutes of the above meeting, duly signed by all the above participants, was filed on 21.08.2020. The above report / minutes show that all the stakeholders had agreed that arrears of Special Judicial Allowance for the period 01.07.2016 to 30.06.2018 shall be paid on monthly basis to the employees and officers of High Court of Sindh and the district and subordinate Courts in Sindh (BPS-1 to BPS-22) within 24 months starting from July 2020. It was further agreed that the funds for the above purpose shall be arranged partially from the savings of the High Court of Sindh and the district judiciary budget provision for the year 2020-2021, and the remaining from the funds to be provided by the Finance Department, Government of Sindh.

Kamran Ahmed Hamidi, Director General (Finance & Accounts) of this Court and Sikandar Hassan, Deputy Secretary (Legal) Finance Department, Government of Sindh, have filed their separate undertakings dated 23.09.2020, which are taken on record. According to the undertaking filed by the Director General (Finance & Accounts) of this Court, Finance Department of the Government of Sindh has allocated budget grant of **Rs.605,277,000.00** to this Court during the current financial year i.e. 2020-2021, and after the expected expenditure of **Rs.128,339,052.00** during the current year, an amount of **Rs.476,937,948.00** will still be available in the relevant head of saving which will be sufficient to satisfy the payment in respect of employees of this Court during the current financial year.

In his undertaking, the above named Deputy Secretary (Legal), Finance Department, Government of Sindh, has submitted that the Special Judicial Allowance for the subject period of two years is not reflected in the budget for the current financial year 2020-2021, and the Finance Department will have to seek permission from the Government for allocation of this amount. He, however, does not dispute any of the figures / amounts mentioned in the undertaking submitted today by Director General (Finance & Accounts) of this Court. As far as seeking permission of the Government for allocation of funds is concerned, we are of the view that no such permission is required in view of the orders passed by this Court and the order being passed today. Needless to say Government of Sindh is duty-bound to comply with the said orders and absence of departmental or other approvals / permissions cannot be made the basis of non-compliance of an order passed by this Court.

In view of the above mentioned unanimous decision of all the stakeholders and with their consent, Finance Department of Government of Sindh is directed to pay / disburse the Special Judicial Allowance to all the employees and officers of this Court and the district and subordinate Courts in Sindh (BPS-1 to BPS-22) for the months of July, August and September 2020 latest by **30.09.2020**, and to ensure the provision / payment / disbursement of the said allowance to them for the remaining twenty one (21) months / installments with effect from October 2020 strictly on monthly basis.

Issue notice to the Secretary Finance, Government of Sindh, for compliance of this order in letter and spirit and to submit compliance report to this Court latest by **07.10.2020**.

JUDGE

JUDGE