

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
Constitutional Petition No.D – 22 of 2021

Date	Order with Signature of Judge
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1. For hearing of CMA No.61 / 2021.
2. For hearing of main case.

22.02.2021 :

Mr. Munawar Ali Memon, advocate for the petitioners.
Mr. Ali Safdar Deepar, Assistant Advocate General Sindh.

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Copy of the statement is provided to the petitioners' counsel. It is the case of the petitioners that though the subject matter of this petition is the withdrawal of the up-gradation, however, till such time this case is decided, they may not initiate proceedings for the recovery of the dues, which they received while their post was upgraded. Learned counsel relied upon the case of Shams-ur-Rehman reported in 2020 SCMR 188, wherein the petitioner performed the work at higher post of selection grade in BPS-15 for almost 9 years and on account of principle of locus poenitentiae, the benefits paid to him could not be recovered as the said principle would not apply. When confronted, learned Assistant Advocate General Sindh, submits that they would make an attempt to finally argue the petition and subject to the outcome they will not take any coercive action, till then.

In view of the above, let this petition be fixed in two weeks' time and till such date no coercive action for the recovery of dues in pursuance of the notification at page 139 be taken.

JUDGE

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