

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-1866 of 2019
C.P.No.D-4783 of 2019
C.P.No.D-4784 of 2019

Date Order with signature of Judge

Before:-
Mr.Justice Muhammad Ali Mazhar
Mr.Justice Agha Faisal

Syed Sardar Ahmed & others
(C.P.No.D-1866 of 2019)

Khurram Sher Zaman
(C.P.No.D-4783 of 2019)

Mst. Seema Zia
(C.P.No.D-4784 of 2019).....Petitioners

Versus

Province of Sindh & others.....Respondents

18-09-2019

Mr.M.Asalam Bhutta & Mr.M.Zareef Lakho, Advocates for the Petitioners.

Petitioners Syed Sardar Ahmed, Ms.Sorath Thebo, Syed Anwar Raza Naqvi, Qamar Abbas Rizvi, Jamal Ahmed and Faisal Rafique are also present.

Mr.Jawad Dero, A.A.G.

Mr.Shakeel Ahmed, Deputy Secretary (Legal), S.M. Saleem, Section Officer (Legal) and Mr.Meghraj Mal, Research Officer (Legal), Finance Department, Government of Sindh are present.

Muhammad Ali Mazhar, J: These petitions have been brought to seek directions against the respondents for the payment of arrears due on account of increase made in the allowances of Members of Provincial Assembly of Sindh under the Sindh Assembly Members (Salaries and Allowances) Act, 1974 by virtue of the Sindh Laws (Amendment) Act, 2017, which was made effective from 01.07.2016 and notified on 4th July, 2017.

2. One CMA No.23753/2019 has been moved by applicant/intervener Mr.Mahfooz Yar Khan, Advocate, who also wants to be impleaded in C.P.No.D-1866/2019. Since he is claiming the same relief and treatment for which other petitioners have prayed for, therefore, his application is allowed and he is impleaded as petitioner No.10 in C.P.No.D-1866/2019. Counsel for the petitioners is directed to file amended title in the office for record.

3. The grievance of the petitioners is that despite promulgation of the amendment and raise of allowances no arrears have been paid to them, therefore, in all 03 petitions 12 petitioners have approached this court after impleading applicant/intervener Mr.Mahfooz Yar Khan, Advocate. The matter was fixed on 19.6.2019 when Mr.Afzal Zaidi, Additional Secretary and Mr.Shakeel Ahmed, Deputy Secretary, Finance Department, Government of Sindh submitted that the allowances could not be paid due to some financial constraints, however, they categorically stated in court that this amount will be paid within 02 months to the petitioners. On the basis of this statement the matter was adjourned to 28.8.2019 but on 28.8.2019 the Deputy Secretary, Finance Department informed us that in compliance of the order dated 19.6.2019 summary has been approved by the worthy Chief Minister, Sindh and matter sent for the approval of Standing Committee of the Cabinet as according to them this requirement was necessary as the amount was out of budget. Again as a last chance, 03 weeks' time was granted, but today again the Deputy Secretary has come up with a plea that due to financial constraints this amount was not paid. The law was made effective from 01.07.2016 though notified on 04.07.2019, but still arrears have not been paid nor amendment made in the parent Act has been implemented. Once law is promulgated, this is the responsibility of Government to implement their own laws. It is

also noteworthy to mention that this liability has not been denied, but the matter has been dragged on the plea of financial constraints.

4. Today the Deputy Secretary, Finance Department has made a request again that some more time may be given for making payment in 3 to 4 instalments from the month of October, 2019.

5. As a result of above discussion, these petitions are disposed of with the directions to the Secretary Finance, Government of Sindh, Secretary, Provincial Assembly of Sindh and Chief Secretary Sindh to ensure that 50% arrears of the petitioners shall be paid on 15.10.2019 and 25% will be paid on 10.11.2019 and remaining 25% will be paid on 10.12.2019 without any fail or excuse.

Office is directed to place copy of this order in C.P.Nos.D-4783 and 4784 of 2019.

Judge

Judge

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