

ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

C.P. No.D-764 of 2013

Date Order with signature of Judge

For hearing of CMA No.27803/18 (151)
Statement & C/A filed

22.10.2021.

Mr. Faizan H. Memon, advocate for the petitioner.
Mr. Ali Safdar Depar, AAG.

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This application has been filed on the ground that the salary of the petitioner was not paid for the period commencing from October, 2014 and ending on June, 2015. Mr. Faizan H. Memon, advocate stated that the petitioners have worked with the respondents/Agricultural department during this period and are entitled for the salaries.

On the other hand, the learned AAG has invited out attention to the decision dated 28.12.2018 given in Civil Petition No.2450 of 2017 by the Hon'ble Supreme Court of Pakistan, wherein the petitioner was only one Munkamuddin Metlo (Mr. Metlo). The Hon'ble Supreme Court has given directions that since the issue of arrears of salary, as claimed by the petitioner Mr. Metlo, who is the petitioner No.1 in the present petition, is pending before the High Court the same would be decided by the High Court within a stipulated period. He stated that since it was only Mr. Metlo who has filed a petition before the Hon'ble Apex Court and in whose case directions were issued by the Hon'ble Supreme Court hence these directions could not be extended to other petitioners of the present petition.

We have heard both the learned counsel at some length and have also perused the record.

In the present matter we do not find force in the contention of the learned counsel for the petitioners that the matter pertains to all the petitioners and that the instructions given by the Apex would apply to all the petitioners, whereas in our view, the instructions were for Mr. Metlo only.

We, therefore under the circumstances and in the interest of justice, direct the Secretary, Agriculture to examine the case of Mr. Metlo afresh with regard to his claim of salary for the period October 2014 to June 2015 and thereafter to pass a speaking order, after affording opportunity of hearing to him, in accordance with law. It is clarified that if it is found that Mr. Metlo has worked during the period from October 2014 till June 2015, then his due salary may be paid to him without any delay. Let a copy of this order be sent to the said Secretary for information and compliance. Compliance report be furnished with the MIT-II of this Court within one month's time. The other petitioners in the instant petition would however be at liberty to avail the legal remedies as available to them under the law. In view of the above, the instant application stands disposed of.

JUDGE

JUDGE