

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-7530 of 2019

Dr.Mir Nusrat Ali Panhwar
Versus
Province of Sindh & others

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

*BEFORE: Justice Irfan Saadat Khan,
Justice Agha Faisal, JJ*

1. For hearing of CMA No.33127/2019
2. For hearing of Main Case.

25.11.2021

Mr. G. M. Bhutto, advocate for the petitioner.
Mr. Ali Safdar Deepar, A.A.G. Sindh a/w
Mr. Abdul Qayyum Paniyar, A.O (pension) SLGB.

Irfan Saadat Khan, J. This petition has been filed on the ground that orderly allowance is not being paid to the petitioner. Notices thereafter were issued to the Respondents. In the comments, it has been brought to our kind notice that none of the officer in BPS-20 of SCUG/Non-SCUG Service is entitled for the said allowance. Mr. G. M. Bhutto, has appeared on behalf of the petitioner and stated that it is a discriminatory treatment meted out with the petitioner as in number of office memorandums / correspondents dated 24.12.2012, 03.9.2009 & 05.6.2009 available on the record, it could be seen that the said orderly allowance is payable to every government officer in BPS-20 and above, hence according to the learned counsel, the petitioner is entitled for the said orderly allowance which is not being paid to him on the ground that he is employee of SCUG/Non-SCUG, which is not correct. As according to him, every government official who is in BPS-20 and above is entitled for the said orderly allowance. He, therefore, has prayed that this allowance may be granted to the petitioner in accordance with law.

Learned A.A.G. on the other hand appearing for all the three Respondents has opposed the said contention and stated that there is a distinction between the officers of the SCUG/Non-SCUG and other government officers and as a policy it has been decided that the said allowance is not available to SCUG/Non-SCUG employees vide order dated 03.03.2020. He therefore, stated that in view of said categorical order passed by the Director Local Fund Audit Department, the said orderly allowance is not available to the petitioner.

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

We are at lost that in a number of correspondence, as mentioned above, in each of them it has been opined that orderly allowance is available to every government officer in BPS-20 and above. However, how vide letter dated 03.03.2020 it is mentioned that none of the officer in BPS-20 of SCUG/Non-SCUG are entitled for the said allowance. The question is that when in the previous letters the Government of Pakistan / Sindh have categorically observed that the said orderly allowance is available to every government officer in BPS-20 and above why this discriminatory treatment, if any, has been made by the Local Fund Audit Department in respect of the officers in SCUG/Non-SCUG Service.

In our view the said issue requires detailed examination, we therefore, under the circumstances and with the consent of the parties present before us refer this matter to the Chief Secretary, Government of Sindh, to take up the issue and to resolve the same strictly in accordance with law, within a period of two months' time from the date of receipt of this order. The Chief Secretary, Government of Sindh would be at liberty to call the comments or grant personal hearing to the petitioner in this regard so that this matter could be finally resolved.

With these directions the instant petition alongwith all the listed and pending applications stands disposed of. Let a copy of this order be sent to the Chief Secretary, Government of Sindh, for information & compliance.

JUDGE

JUDGE