

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP. No. D- 7550 of 2018

Date Order with Signature(s) of Judge(s)

Disposed of matter

1. For orders on Misc. No.7581/2023 (u/a)
2. For orders on Misc. No.23522/2022 (Amount)
3. For hearing of Misc. No.8433/2021 (151)

18.01.2023

Petitioner, Abdul Majeed, present in person

-
1. Urgency granted.
 2. Through this application, the petitioner is seeking direction to the Nazir of this Court to hand over the amount concerning back benefits in compliance with the order dated 02.02.2021 submitted by respondent No.02 in his favor.

Petitioner who is present in person has submitted that he has been reinstated by the respondents as Driver and only the issue of his back benefits is pending adjudication hence, he prayed for the direction to the Nazir of this court to disburse the service benefits to him so deposited by Tanveer Hussain, Regional In charge of the respondents.

We have considered the contentions of the petitioner on the listed application and have minutely gone through the material available on record.

This petition was allowed vide order dated 02.02.2021, which extracted as under:-

“16. Prima facie, the petitioner was estopped by the respondent corporation to work through the impugned order dated 26.7.2012, therefore, we deem it appropriate to take into consideration the issue of back benefits on the premise that he has specifically pleaded that he was wrongly terminated from service as such he is entitled to the consequential benefits.

17. In view of the above facts and circumstances of the case discussed above, the instant Constitution Petition is allowed, and both the impugned orders passed by the learned National Industrial Commission are set aside, consequently, the termination order dated 26.7.2012 passed by the respondent corporation is also set aside. Resultantly, the petitioner is directed to be reinstated in service forthwith along with back benefits as a Driver in the respondent-Overseas Employment Corporation.

18. These are the reasons for our short order announced in open Court on 02.02.2021, whereby we have allowed the instant petition.”

Respondents have deposited an amount of Rs.4247398/- concerning back benefits of the petitioner, besides there is no restraining order brought on record to suggest that the Honorable Supreme Court has suspended the operation of the order passed by this court, therefore, we deem it appropriate to direct the Nazir to deliver the amount of Rs.4247398/- to the petitioner concerning his back benefits deposited by the respondents, however, that arrangement is subject to the outcome of the petition if any pending before the Honorable Supreme Court and the Nazir shall obtain a bond from the petitioner to that effect in case the order passed by this Court is reversed.

The listed application(s) stands disposed of in the above terms.

JUDGE

JUDGE

Nadir*