

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP. No. D- 6449 of 2020

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

Direction

1. For order on MIT-II report dated 20.05.2021
2. For hearing of CMA No.1449/2021(Contempt)

08.03.2023

Malik Altaf Hussain, advocate for the petitioner/applicant.
Mr. Jawad A. Sarwana advocate for alleged contemnor

This court vide order dated 08.04.2021 disposed of this petition in the terms that respondent No.2 would release the pensionary benefits of the petitioner(s), which was received by them on account of Capitalized Value of Pension; and, the Board would be constituted to convene the meeting on the subject issue.

Learned counsel for the applicant, contended that despite clear directions from this Court, the respondents have failed to release the pensionary benefits of the petitioner(s). Learned counsel submitted that contempt proceedings are required to be initiated against the alleged contemnors under Sections 3 and 4 of the Contempt of Court Ordinance, 2003, read with Article 204 of the Constitution.

Learned counsel for alleged contemnor submitted that the order passed by this court has been complied with vide compliance report dated and submitted that the petitioner has been paid capitalized value received from AGPR of Rs. 2,901,106/- and the policy of Board in its 40th meeting held on 09.3.2022 decided parameters for disposal of retirement related benefits of DRAP employees to the that DRAP employees will be entitled for CP fund for their services in DRAP and the regulations shall be drafted and placed before the Policy Board for its consideration; that the employees who opted for absorption in DRAP and have attained or will attain the age of superannuation /retirement before the implementation of CP fund regulations for that the period served as civil servant before absorption in DRAP, capitalized value of pensionary benefits shall be paid to such employees at the time of their retirement as per relevant provision(s) of Pension Rules of Civil Servants and for the period served as DRAP employee, matching amount equivalent to their

GP Fund contribution shall also be paid by the authority on account of their retirement benefits.

We have heard learned counsel for the parties on the listed application and perused the material available on record as well as the compliance report submitted thereof.

Since the competent authority has considered the request of the petitioner and paid the pensionary benefits in the light of the opinion of the 40th Board meeting.

In view of the above, we concluded that substantial compliance with the order dated 08.04.2021 passed by this Court has been made, therefore, no further deliberation is required on our part, and therefore, the listed application stands dismissed.

JUDGE

JUDGE

Nadir*