

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP. No. D- 3623 of 2021

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

Direction

1. For orders on CMA No.29349/2022 (Exception)
2. For orders on CMA No.8357/2022 (-do-)
3. For orders on CMA No.29350/2022 (Contempt)
4. For orders on CMA No.8358/2022 (-do-)

07.02.2023

Petitioner present in person
Syed Yasir Ali Shah, Assistant Attorney General
Mr. Muhammad Asghar Malik, advocate

This Court vide order dated 12.10.2021 allowed this petition in the following terms:

“8. We are of the view that the petition filed by the petitioner deserves to be allowed in the terms that medicine, as prescribed by the specialist Doctors to the patient, is of paramount consideration for the health of the patient, which cannot be compromised at the cost of alternative medicine as proposed by the learned counsel for the respondent-PIA.

9. The competent authority of PIA is directed to ensure the provision of actual medicine as prescribed by the specialist/General cadre Doctors to the retired employees of PIA including the petitioner and his family as per rules.”

Petitioner has filed a contempt application under Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973 (CMA No. 29350/2022 & 8358/2022), prying therein to initiate contempt proceedings against the alleged contemnors, who willfully disobeyed the order dated 12.10.2021 passed by this Court and failed to ensure the provision of actual medicine as prescribed by the specialist/General cadre Doctors to the retired employees of PIA including the petitioner and his family as per rules.

Learned AAG was confronted with the aforesaid position; and, in reply thereto, he referred to the order dated 28.03.2022 passed by this Court and submitted that Dr. Mazhar Ali Soomro, Senior Medical Officer of PIA had appeared before this court and categorically stated that petitioner was contacted for providing medicines to him, but he did not respond, however, the petitioner shall be provided medicine as required by him at any time (24 hours). The aforesaid stance has been refuted by the petitioner who is present in person and

submitted that the order passed by this court has not been complied with in its letter and spirit, thus contempt proceedings may be initiated against him.

We have heard the parties on the listed application and perused the purported compliance report.

Since the competent authority of PIA has already been directed to ensure the provision of actual medicine as prescribed by the Specialist/General Cadre Doctors to the retired employees of PIA including the petitioner and his family as per rules and in this regard, the statement has already been filed by Dr. Mazhar Ali Soomro, Senior Medical Officer of PIA, therefore, we do not intend to go further on the listed applications in terms of the statement discussed supra and dispose of the listed applications with direction to the competent authority to comply with the directions contained in the order dated 12.10.2021 in its letter and spirit, without fail including the statement made by the Medical Officer of PIA. However, it is made clear, in case of non-compliance, proceedings shall be initiated against the delinquents in terms of Article 204 of the Constitution without providing further opportunity on the subject issue.

Let a copy of this order be communicated to the CEO of Pakistan Airlines, for compliance.

JUDGE

JUDGE

Nadir*