

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitution Petition No. D-2969 of 2020

Date Order with signature of Judge

Hearing of case.

For hearing of main case.

26.09.2023.

Petitioner Khursheed Khalil Khan, in person.
Mr. Khurram Ghayas, Advocate for Sindh Master Plan Authority.
Mr. Ali Safdar Depar, Assistant Advocate General.

MUHAMMAD JUANID GHAFAR J.- Today, pursuant to earlier orders, Counsel for Sindh Master Plan Authority has filed a Concise Statement, which is taken on record. Copy has been supplied to the Petitioner, who appears in person and submits that he will not be filing any Affidavit-in-Rejoinder to this Concise Statement.

We have heard the Petitioner in person as well as learned Counsel for the Respondent and learned Assistant Advocate General Sindh and perused the record. The petitioner seeks directions against the Respondents to release his monthly salary from December, 2019 onwards on the ground that it has been withheld due to some dispute between the Respondents as he had been repatriated from Master Plan Department to the Secretariat of KDA. It appears that on 16.03.2022, a detailed order was passed with certain directions to the Chief Secretary, Government of Sindh to hear the Petitioner and pass a final order as to the parent department, to which the Petitioner now belongs. Subsequently, vide Order dated 27.05.2022, such exercise has been carried out by the Chief Secretary Sindh and it has been held that the Petitioner is to continue work in the Master Plan Department of Sindh Building Control Authority till his retirement. It further appears that despite this, the Petitioner's salaries and benefits accrued to him, while in service, were withheld for one reason or the other; but today, a Concise Statement has been filed; wherein, Senior Director of the Sindh Master Plan Authority has stated as follows:-

4. In compliance of Order dated 27-05-2022 passed by the Chief Secretary, Sindh placed at (Annexure-C), the salaries for intervening period commencing from November, 2019 to date of retirement i.e; 15-07-2022 have been paid total amounting to Rs 77,54,229/- to the petitioner; its break-up is given below: -

- i. An amount of Rs.27,83,196/- was paid to him against 365 days Encashment leave in lieu of LPR vide Cheque No.74216544 dated 28.03.2023, drawn on ABL, Branch Civil Centre, Karachi.
- ii. An amount of Rs. 44,80,450/- was paid to him against undecided intervening period vide Cheque No.63007061 dated 12.04.2022 drawn on ABL, Branch Civil Centre, Karachi.
- iii. Lastly remaining amount of Rs.5,90,583/- was paid to him against intervening period vide Cheque No. 7070815 dated 06.12.2022 drawn on ABL, Branch Civic Centre, Karachi.

The Petitioner present in Court has been confronted as to the Concise Statement filed on behalf of Sindh Master Plan Authority and he has chosen not to file any objection or affidavit-in-rejoinder; but has argued that his objection are already on record. On perusal of the aforesaid statement, it clearly reflects that insofar as payment of any salary or dues are concerned, same are now settled and have been accordingly paid to the Petitioner, whereas, despite repeated chances in open court, he has chosen not to file any objection to it. It further appears that during pendency of this petition, Petitioner stands retired from 16.07.2022, and today, he has made an attempt to argue that his pension is not being paid. To that we may observe that insofar as the present petition is concerned, it has got nothing to do with any pension dues and its non-payment. Moreover, in the statement filed today, it has been stated that the Petitioner can approach the concerned department to obtain his post-retirement benefits.

In view of hereinabove facts and circumstances, this petition has served its purpose and accordingly stands disposed of; whereas, for any dues in respect of pension / post-retirement benefits, if any, the Petitioner is at liberty to approach the concerned department for redressal of his grievance.

Petition stands disposed of in the above terms with pending applications, if any.

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