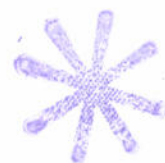


ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.1239 of 2021



Order with signature of Judge(s)

Fresh Case

1. For order on Misc. No.5160/21 (urgent)
2. For order on office objection no.18
3. For order on Misc. No.5161/21 (Exp.)
4. For order on Misc. No.5162/21 (Stay)
5. For hearing of main case.

Dated : 17.02.2021

Malik Altaf Hussain, advocate for petitioner.

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1. Urgency granted.
2. Deferred for the time being.
3. Granted subject to all just exceptions.
- 4-5. It is contended *inter-alia* that the petitioner agitated her claim for payment of non-practicing allowance before the competent authority of the Shaheed Zulfiqar Ali Bhutto University of Law on the premise that she was appointed as Assistant Registrar (BS-17) in the year 2017 and during her tenure of service, she was allowed non-practicing allowance vide order dated 11.02.2019, however, later on, the said allowance was withdrawn and recovery proceedings were ordered to be initiated against her. The petitioner being aggrieved by and dissatisfied with the order dated 24.9.2020 approached this Court by filing CP No. D-5475/2020 which was disposed of vide order dated 16.11.2020 with direction to the appellate authority to decide her pending appeal. Per learned counsel, the order passed by this Court was not complied with in its letter and spirit by the appellate authority of the respondent-university vide order dated 26.01.2021, however, she preferred the second appeal against the aforesaid findings before the Chairman Syndicate which has not yet been attended, compelling her to approach this Court for such direction. At this juncture, we asked the learned counsel to show us whether the second appeal/representation is maintainable against the order dated 26.01.2021 passed by the appellate authority; and, we also posted another question to him that since there are findings against the petitioner vide appellate order dated 26.01.2021; and, the same findings have not been called in question through these proceedings, he candidly conceded the legal position of the case and seeks disposal of this petition with permission to file a fresh to impugn the order dated 26.01.2021 passed by the appellate authority. Be that as it may, since the petitioner does not wish to press this petition and intends to file a fresh one, let him do so subject to all just exceptions as provided under the law.

In view of the statement of learned counsel for the petitioner, this petition stands dismissed as not pressed, leaving the petitioner at liberty to avail the remedy as provided to her under the law.

Judge

Judge