

Date

Order with signature of judge.

For Katcha Peshi.

08.05.2014.

Mr. Ali Azhar Tunio, advocate for the petitioners.

Mr. Abdul Hamid Bhurgri, A.A.G a/w Iqbal Hussain Durani.  
Secretary Health.

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Through instant petition, the petitioners have prayed as under:

- i. To direct the respondent No.3 and 4 to make payment of monthly salaries of the petitioners as per order dated 28.02.2013 and the past salaries for about 6/7 months as earlier as possible.
- ii. To direct the respondent No.3 to act upon the office order dated 28.02.2013 smoothly, fairly and speedily without causing any undue hindrance.
- iii. To pass any other equitable relief which this honourable Court deems fit and proper under the circumstances of the case.

2. Comments filed by respondent No.3 reveal that the petitioners were regularized against the post of Mid Wife (BPS-6) in their OPS (BPS-1) on the verbal instructions of Secretary Government of Sindh, Health Department, Karachi during his visit of Measles campaign in Shikarpur on 01.01.2013.

3. Comments of respondent No.4 reflect that the correspondence with the Secretary and District Health Officer, Shikarpur through various letters was made with the request that as to whether the orders of regularization on verbal order/instruction of Secretary to Government of Sindh, Health Department, Karachi is within criteria and standing instructions regarding adjustment of Dais (BPS-1) to the post of Midwife (BPS-6). It is further contended that District Health Officer,

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Shikarpur vide his undertaking No.DHO/SHP/5366/69 dated 18.04.2013 stated that the *release of provisional salaries of Dais for two months till counter signed*, and will be processed list of Dais from Secretary Health but no response has yet been received.

4. Pursuant to the order dated 22.04.2014 Secretary Health is present alongwith A.A.G and undertakes that cases of the petitioners for their regularization are under process, same will be finalized within a period of one month in BPS-1. With regard to prayer 'b' of the petitioners he further contends that under the law summary is to be placed before Worthy Chief Minister for promotion and regularization of the petitioners in BPS-06, thus verbal instructions have no legal sanctity however, they will consider this issue in accordance with the law and policy, as already undertaken in other parts of the country, as well as in the light of judgment passed by Hon'ble Apex Court in the cases of LHV(s). So far as, the salary is concerned, Secretary Health undertakes that all outstanding salaries/arrears of the petitioners in BPS-1 will be released within one month and states that District Accounts Officer concerned may be directed to release the same on submission of pay bills expeditiously.

5. In view of the undertaking given by Secretary Health Department, instant petition is disposed of in above terms with further directions to the District Accounts Officer that on submission of salary bills of the petitioners, he shall release salaries within three days with compliance report.

  
JUDGE

  
JUDGE