

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D-3666 of 2016

(Ahmed Nawaz & others & Vs. Province of Sindh & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before:

Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul-Karim Memon

Date of hearing and Order: 15.04.2025

Syed Shoa un Nabi advocate for the Petitioners.
Mr. Ali Safdar Depar, AAG.

ORDER

Adnan-ul-Karim Memon J:- Three teachers (Petitioner 1 and retired in 2016, Petitioners 3 currently serving) in the Sindh Prisons Department seek upgradation and allowances equivalent to those granted to teachers in the Education Department under notifications from 1992, 1995, and a letter from 2010.

2. Learned counsel for the petitioners submitted that they meet the qualification and service criteria outlined in these policies, but have been denied these benefits for 10-24 years. Having exhausted other avenues, they petition the High Court for constitutional relief, citing discrimination and violation of their right to equal treatment. They request the court to direct the respondents to grant them the due upgradations and allowances with back benefits.

3. The learned AAG. while acknowledging the government notifications and letter regarding upgradation and allowances for Education Department teachers, however, clarifies that these policies did not explicitly include teachers in the Sindh Prisons Department. He further submitted that the Prisons Department has been pursuing the extension of these benefits to their teachers since the early 1990s, engaging in correspondence with the Home and Finance Departments. The matter remains "under process" with the government, with requests for information and financial implications being exchanged. The AAG requests the court to pass orders as deemed appropriate given the ongoing process, more particularly the decision of the Supreme Court in the case of Ali Azhar Khan Baluch case **2015 SCMR 456**.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. To resolve the issue of parity in upgradation and allowances between teachers in the Sindh Prisons Department and the Education Department, the petitioners' parent department is directed to take action within three months. They will consider the petitioners' entitlement in light of the policies applicable to the Education Department, the ongoing administrative "process," and the retirement of Petitioners No. 1 and 3. If the petitioners' case aligns with those policies, the same relief shall be granted to them and other similarly situated Prisons Department employees after providing the petitioners with a hearing.

6. This petition is accordingly disposed of.

Judge

Head of Const. Benches

Nasim/P.A