

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1269 of 2013

Date

Order with signature of Judge

1. For orders on CMA No.11282/2013 (IF GRANTED)
2. For orders on CMA No.11283/2013 (U/O 39 R 1&2 CPC)

11/10/2013:

M/s. Muhammad Haseeb Jamali and Muhammad Arif
Ansari, Advocates for the plaintiff.

1. Granted.
2. It is contended by learned counsel for the plaintiff that plaintiff has been promoted to PG-IX as Deputy Chief Medical Officer w.e.f. 27.3.2012, however, the defendants have not communicated the letter regarding fixation of plaintiff's salary in PG-IX nor he has been posted to discharge his duties as Deputy Chief Medical Officer which amounts to practically denying the plaintiff from the statutory benefits in terms of Sacked Employees (Reinstatement) Act, 2010. Learned counsel for the plaintiff states that the act cannot be frustrated by the defendants merely by issuing a letter to show a half hearted compliance of the statutory duty. He says that ever since 27.3.2012 non-fixation of salary is a malafide act of the defendants which is causing financial losses and even mental torture. Learned counsel for the plaintiffs further says that it has been brought to the notice of the plaintiff that despite the fact that there are only four vacancies of PG-IX as Deputy Chief Medical Officer and already eight Deputy Chief Medical Officers are in PIA, the management of PIA is planning to promote even more Medical Officers to the post of Deputy Chief

Medical Officer and in such eventuality the possibility of assigning the job for all practical purposes will become even more difficult in the case of plaintiff, therefore, he has sought restraining order against the defendants from promoting the existing employees from lower group to PG-IX as Deputy Chief Medical Officer. In the circumstances as a first measure the defendants are directed to submit a report regarding the circumstances in which the letter for fixation of salary has not been issued in the name of plaintiff since 27.3.2012 as well as a statement of account regarding loss of salary of the plaintiff from 27.3.2012 because of difference of pay from the date of promotion till date. The defendants are also required to submit a report that how many officers are already posted on the existing vacancies of Deputy Chief Medical Officer with their names. Pending this application the defendants are directed to maintain status-quo with respect of posting of Deputy Chief Medical Officers and in the meanwhile no coercive action will be taken against the plaintiff. Issue notice to the defendants for 06.11.2013.

JUDGE

S.Akhtar