

## ORDER SHEET

### IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.194 of 2012

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Date Order with signature of Judge

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For hearing of CMA 1679/2012.

(Statement date 29.1.2013 may kindly be perused at flag 'A')

05/11/2013:

Mr. Salahuddin Ahmed, for plaintiffs.  
Mr. Talha Makhdoom, for defendant No.2.

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Through this Suit employees of KESC have sought the following relief:-

- (a) Declare that the plaintiffs are entitled to the medical and electricity benefits in terms of the KESC Officers Service Rules, 2002 and inter departmental memo dated 19.4.2003 and that the KESC Officers Policy 2010 is unlawful and of no legal effect insofar as it purports to amend any of the KESC Officers Service Rules, 2002 to the detriment of the plaintiffs;
- (b) Direct the defendant No.2 to provide the plaintiffs with free electricity benefits for a period of 5-years from the date of initiating the same;
- (c) Direct the defendant No.2 to provide, free of cost, full medical benefits to the plaintiffs and their spouses for a period of 10-years and for a period of 5-years to their dependent children from the date of initiating the same;
- (d) Grant damages against the defendant No.2 in the sum of Rs.1,500,000/- to each of the plaintiffs;
- (e) Costs of the suit;
- (f) Any other additional/alternate remedy as this Honourable Court may deem fit and appropriate.

This case is pending since February, 2012, the contesting defendant had entered appearance through their counsel on

23.2.2012. The defendants are directed to file their written statements within a week from today as we are in November, 2013 and there is only one contesting defendant i.e. KESC. Apparently, only legal issue can be framed even after filing of the written statement by the defendants. Learned counsel for plaintiffs suggests that no evidence in the matter would be required, therefore, this case is adjourned to 20.11.2013 with clear directions to the defendants that with the written statement they must come with a possible issue so that Court may finally decide that whether evidence in this case would be required or not. In case written statements of defendants are not filed within the above period, the defendants would be penalized for further delay in the matter.

Since the change of party has adversely effected monetary benefits of the plaintiffs and several other employees of Defendant No.1 the plaintiffs have a strong prima facie case.

Adjourned, as above. In the meanwhile, policy affecting the rights of the plaintiffs is suspended till further orders.

Ayub

Judge