

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-5445 of 2022

*(Dr. Syed Muhammad Zeeshan Hashmi & others v Abbasi Shaheed Hospital & others)*

Date	Order with signature of Judge
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and Judgment: 28.08.2025**

Mr. Nishat Warsi advocate advocate for the petitioners.

Mr. Mr. Rafiullah holds brief for Mr. Altaf Hussain advocate for respondent No. 1 & 2.

Mr. Sandeep Malani, Assistant Advocate General

**J U D G M E N T**

**ADNAN-UL-KARIM MEMON, J:** Through this constitution petition petitioner has prayed to:-

Direct the respondents to treat the petitioners as House Job officers as similar to the House Job officers of JPMC, Civil Hospital, and other hospitals of Sindh/Federation.

Direct the respondents No. 1 to 3 to release their withheld stipend at the rate prevailing in other provinces, Health Risk Allowance, and any other benefits available to other similarly placed House Job Doctors.

Direct the respondents Nos. 1 to 3 to immediately deposit their withheld stipends with the Nazir of this Court, along with Health Risk Allowance for immediate payment.

Direct the Nazir as soon as the respondents deposit the amount, release the same to the petitioners, without any further delay.

To restrain the respondents No. 1 to 3 not to taking any coercive action against the petitioners, further restrain them from deducting any amount or taking extra duty beyond the period of one year, specified in their offer letters, till final disposal of this petition.

To award cost.

2. Abbasi Shaheed Hospital hired 195 house job doctors for a mandatory 12-month training period from February 28, 2022, to February 28, 2023. According to the offer letters and a Sindh government notification from April 2, 2019, they were to be paid a stipend of Rs. 45,000 per month. Additionally, a summary approved by the Chief Minister of Sindh stipulated a Rs. 10,000 monthly Health Risk Allowance for all medical professionals, including house job officers, due to the COVID-19 pandemic, effective from July 1, 2020. The petitioners claimed that they were not paid their full stipend or the Health Risk Allowance, with only a single payment of Rs. 45,000 being made in August 2022 after a protest. They also alleged that they were forced to work for an additional three months without pay and without formal approval. They submitted that this failure to pay is a clear violation of their contracts, the law, and government policies. The petitioners have filed this petition seeking this court's intervention to compel the hospital and the Karachi Metropolitan Corporation (KMC) to pay their outstanding dues, which they estimate to

be over PKR 60 million. They further submitted that the hospital's financial mismanagement and the KMC's failure to provide adequate funds are to blame for this situation, and they are seeking justice for the sacrifices they made while serving on the front lines during the pandemic.

3. The petitioners' counsel argued that the doctors have a legal right to receive their promised stipend. Citing a similar Peshawar judgment (2019 MLD 87), he argued that a promise made by a state entity creates a legitimate expectation and a promissory estoppel that the government cannot arbitrarily abandon. He further contends that the failure to pay the petitioners is a violation of Article 25 of the Constitution, which guarantees equal treatment under the law. Since other house job doctors in different hospitals, and even in other provinces, have received their stipends and allowances, the petitioners argue they are also entitled to the same benefits. The counsel stressed that the non-payment has caused financial hardship for the petitioners and their families, undermining their fundamental rights. He prayed for allowing the petition.

4. Learned AAG submitted that the petition is not legally valid and may be dismissed. He asserted this court lacks jurisdiction because the relationship is "master and servant," not governed by statutory rules, so it is not subject to constitutional petitions. He denies that the petitioners are similarly placed, stating some failed exams or had different joining dates. He also argued that the Health Risk Allowance is not an automatic right for all petitioners. He claims that the petition contains false information and requires evidence, which cannot be heard in this court. He accused the petitioners of twisting facts and concealing the truth. He also denied that petitioners were made to perform extra duty, stating any extended work was to make up for absences. He also refuted the claim that petitioners are not being paid, stating that all are being paid at the revised rate of PKR 45,000, except for a three-month period that is now being processed. He also denied that the petitioners are entitled to the COVID-19 Health Risk Allowance, as they did not work in the COVID wards. He also stated that other employees under the same authority have not received this allowance. In conclusion, the AAG maintained that the petition is based on a misconception of law and facts and should be dismissed with costs.

5. The principle of equal pay for equal work is legally enforceable. Article 25 of the Constitution permits reasonable employee classification, provided it aligns with intended objectives. In this instance, the petitioners seek enforcement of Sindh Government policies dated July 9, 2020, February 20, 2021, and June 2, 2020. Under Article 199, the court possesses the authority to review government policies for reasonableness.

and to safeguard aggrieved parties' rights. Consequently, this petition is admissible based on established court precedents, and the respondents' objections are overruled.

6. A health risk allowance is a payment given to healthcare workers to compensate them for the heightened health risks they face, such as exposure to contagious diseases like COVID-19. The health risk allowance was specifically offered to healthcare workers who got the COVID-19 vaccine to incentivize vaccination among essential frontline staff. The allowance was intended to address the difficulties and dangers inherent in their work, particularly during public health crises.

7. The petitioners' counsel pointed out that a similar petition concerning COVID-19 Health Risk Allowance for Shaheed Mohtarma Benazir Bhutto Medical University (SMBBMU) employees resulted in the Sindh Finance Department allocating and releasing Rs. 24.376 million. However, it is pointed out that the Sindh Government ceased the Health Risk Allowance for all Health Department employees on October 13, 2022. The Secretary of Health confirmed that Rs. 73.920 million had also been released to DUHS for Health Risk Allowance, covering the period from July 1, 2020. Nonetheless, the allowance was discontinued by the Sindh Government on October 14, 2022, and subsequently abolished due to the decline in COVID-19 cases.

8. After thorough arguments from both sides, this court directs the respondents' competent authority to examine the petitioners' cases. This examination should determine if the petitioners and their colleagues, who performed comparable duties in wards/labs, emergency rooms, trauma centers, or their offices, are eligible for the Health Professional and Special Health Care Allowance, or any related allowances, according to existing laws and policies. Those who do not meet the legal requirements will be excluded. This review is to be completed within three months of this order. However, its implementation is contingent upon policy decisions by the Sindh government and the respondent Hospital. If the KMC/Hospital adopts such a policy, or has adopted it, the allowances may be granted. If the KMC/Hospital disagrees with the petitioners' claims after consultation with the Sindh Government, it must issue a reasoned order after providing the petitioners with a hearing.

9. Consequently, the petition and related applications are disposed of as directed.

JUDGE

Head of Const. Benches