

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-527 of 2010

Date	Order with signature of Judge
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D/o matter:

For orders on CMA No.7693/18 (Review)

16.04.2018.

Petitioner in person.

The instant petition was filed by claiming back benefits by the petitioner against the respondent department House Building Finance Corporation (**HBFC**). The petitioner was an employee of HBFC and on 24.01.1989 his services were terminated. Thereafter the petitioner initiated legal proceedings before different fora and thereafter the instant petition was filed, which was dismissed vide order dated 21.09.2011. Against this order the petitioner approached the Hon'ble Supreme Court of Pakistan who remanded the matter to the High Court vide order dated 06.12.2014. The matter then again proceeded before this Court and thereafter vide order dated 26.08.2015 it was disposed of with directions to the respondents to pay all back benefits to the petitioner from the date when he was dismissed from the service till his attaining the age of superannuation. Since needful was not done by the respondents, the petitioner moved an application under Section 151 CPC, as according to him there was a disparity in the claim made by him which was payable to him and the amount as determined by the respondents. Then some amount was paid to him by the respondent department however the record reveals that the petitioner was not satisfied with the amount paid to him. Then, vide order dated 21.12.2017, his application filed under Section 151 CPC was disposed of by directing the parties to file their respective working before the Nazir of this Court within one week, who thereafter would transmit the calculations to the Accountant General Sindh for re-verification and further calculation of the same and a time for one month was granted in this behalf. Then the Accounts Officer of Accountant General Sindh, being a neutral person, checked and verified the claim of the petitioner as well as the claim as endorsed by the respondents and came to the conclusion that after grant of substantial amount to the petitioner a sum of Rs.11,74,156/- only remains payable by the department to the petitioner and thereafter the department was directed by this Court to bring a cheque of the said amount, based on the working made by the Accounts Officer of the Accountant General Department. Thereafter a cheque of Rs.11,74,156/- was handed over to the petitioner and the matter was finally disposed of vide order dated 22.02.2018. Now the present review application has

been filed by the petitioner by saying that the said calculation was not correct and that his termination was illegal and has also prayed that the case may be reopened and deemed to be continued as it was prior to 22.02.2018.

From the perusal of the record it is evident that previously substantial amount has been paid to the petitioner and thereafter on his insistence the parties were directed to file their calculations before the Nazir of this Court, who would in turn transmit the same to the Accountant General Sindh for re-calculation. It is noted that after paying substantial amount to the petitioner the Accounts Department worked out that now only Rs.11,74,156/- remains to be payable to him by the respondents. It is interesting to note that no objection with regard to the said calculation made by the Accounts Officer has ever been filed by the petitioner. It is an admitted fact that the cheque in respect of the above amount of Rs.11,74,156/- was handed over to the petitioner on 22.02.2018 hence, in our view, no claim of the petitioner now remains outstanding against the respondents in view of the calculation made by the Accounts Officer, being a neutral body, who had verified the calculations as furnished by the petitioner as well as the respondents and thereafter had worked out the figure of Rs.11,74,156/- payable by the respondents to the petitioner, which amount also has been paid to the petitioner. Hence, in our view, the present application filed by the petitioner, with regard to further payment and recalculation of his back benefits, appears to be wholly misconceived and not maintainable. So far as the claim of the petitioner with regard to his termination is concerned the same also appears to be misplaced, since the instant petition, as apparent from the prayer clause, was only with regard to the claim of back benefits and not with regard to his termination. Therefore, the claim of the petitioner for reopening of the matter also appears to be misconceived and uncalled for as no question of either reopening the matter or that of reviewing the earlier order seems to be now available to him.

We, therefore, in view of the above facts and circumstances, do not find any merit in the instant application and dismiss the same accordingly. Though the application deserves that it should be dismissed by imposing cost upon the petitioner, however, by taking a lenient view since petitioner is a senior citizen, no cost at present is being imposed.

JUDGE

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