

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-7074 of 2019

Date

Order with signature of Judge

For hearing of main case.

10.12.2021

Syed Shoa-un-Nabi, Advocate for the petitioners.
Mr. Nishat Warsi, DAG.

Issue involved in this petition, in our view is squarely covered by the decisions given by the Divisional Benches of this Court at Sukkur in C.P. Nos.D-755 of 2020 and others, dated 13.10.2021, and at Karachi in C.P. No.D-6344/2019 and others dated 07.10.2021 and attention of the learned counsel is drawn towards this fact, who could not controvert the position. We, therefore, dispose of the instant petition in the method and mode as decided in paragraph No.27 of the judgment in C.P. No.D-6344/2019, which is reproduced as under:

"27. In existence f above, there is no room for entertaining or re-adjudicating the decided issue. Without prejudice to above, it is pertinent to mention that Welfare Boards are competent forum to redress the issue of Civil Servants, serving and retired including petitioner(s), hence Board shall examine all prevailing laws and amendments by other Provinces, thereafter shall be competent to make their recommendations to the Government of Sindh. Hence we may add that the Government would appreciate emerging of new situation i.e. demand of refund of deposited amount while keeping in view the amendments, already made by the KPK Government, because the legislation is, undeniably, domain of government. Accordingly, learned A.G. Sindh when confronted with the legal proposition has contended that after going through the referred Judgments and enactment by the KPK Government he will submit his advice to the Government of Sindh with regard to amendment if any. In consequence of what has been discussed above, the instant petitions are disposed of, however, as petition(s), regarding the prayer clause (as) and (b), being decided one are dismissed."

~~JUDGE~~

JUDGE

Gulzar/PA