

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.5876 of 2015

Date	Order with signature of Judge
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**PRESENT:**

**Mr. Justice Muhammad Ali Mazhar.  
Mr. Justice Arshad Hussain Khan.**

Muhammad Nadeem Khan & others.....Petitioners

Vs.

Province of Sindh & others.....Respondents

1. For orders on office objection No.1
2. For hearing of CMA 9979615 (STAY)
3. For hearing of CMA 11881/16 (u/s 151 CPC)
4. For hearing of main case.

05.10.2016

Mr. Sohail H.K.Rana, Advocate for the petitioner.  
M/s Usama Aftab Memon and Ashfaq Ali for  
respondent.

Mr. Ali Asadullah, Advocate for LDA  
Choudhry Muhammad Arif, Advocate for KMC along  
with Muhammad Asim Raza, Addl. Director H.R.  
KMC  
Mr.Abdul Jalil Zubedi, AAG.

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**MUHAMMAD ALI MAZHAR,J.,**The petitioners, in fact, have challenged the office order dated 14.09.2015, which was issued by the L.D.A. in compliance of the order passed by the Hon'ble Supreme Court of Pakistan in Civil Review Petition regarding repatriation of the deputationists to their parent departments. The names of the present petitioners are mentioned in the office order at S.No.2,6,10, 11 & 15.

The petitioners asserted in their petition that they were properly absorbed in the L.D.A., therefore, the order passed for their repatriation to their parent department is not proper. It is further

stated in the petition that the order of the Apex Court has nothing to do with their cases.

Learned Counsel for KMC states that during pendency of this petition, the petitioner No.5, Kamalauddin has already joined his parent department/KMC (defunct CDGK) and his posting order will be issued in due process. So far as the case of petitioner No.3, Shahid Saleem, is concerned, learned counsel for KMC has given clear statement that Shahid Saleem has also joined KDA. May be for this reason, petitioner Nos. 3 and 5 both are absent in the Court today. Learned Counsel for the petitioners has also given the same statement. It appears that after joining by these two petitioners in their parent departments, their grievances have been alleviated.

Now, we would like to take up the matter of petitioner Nos.1,2 & 4, who are present in court and they have also agreed to join the KDA. At this juncture, learned counsel for KDA submits that these three petitioners may also join the KDA and as and when they will report for duty, they will be allowed joining and their salary will also be paid in accordance with law. The petitioner Nos. 1,2 and 4 had agreed to join their parent department (KDA) within two days. It is clarified that after joining their seniority will be governed in accordance with the rules and guidelines given by the Apex Court in the Review Petition, which has been referred to by the L.D.A. in their repatriation order. The KDA will also ensure the payment of salary to the petitioners accordingly. The petition is disposed of along with the listed applications.

Judge

Judge