

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

R.A No. 90 of 2014

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DATE ORDER WITH SIGNATURES OF JUDGE(S)  
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Hearing/Priority case

1. For orders on office objection a/w reply of Adv.
2. For hearing of Main Case.
3. For hearing of CMA No.4790/2014

19.10.2016

Mr. Abdur Razzaq, Advocate for the applicants  
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The instant Revision Application is filed against the judgment and decree produced on Page No.9, passed in Civil Appeal No.182 of 2011 by the IIIrd Additional District Judge, Karachi East, wherein the appellate Court dismissed the appeal and maintained the orders of the trial Court.

The core issue in the impugned order and as agitated here is that the Respondent employee was an officer of Grade-19 and he was paid overtime by the employer in the normal course of his work. However, when he made a claim of the same at the time of taking Golden Handshake, the employer refused to pay the overtime for the work he had already done for the employer. Learned counsel for the applicants submits that since there is no regulation enabling the employer to pay officers of Grade-19 any overtime, therefore, the employer refused to pay the same.

Examination of the trial Court's order at Page Nos. 41 to 43 clearly shows that the trial Court framed the issue with regard to payment of overtime to officers as Issue No.2 and applied its judicial mind to determine the same and by giving reasoning on the first paragraph produced on page No.43 that the onus was on

to the employer, who had already been paying overtime to the employee to show that such payment was without any justification and vested rights accrued in favour of the employee were unfounded.

Since the employer failed to discharge his obligation, the trial Court, came with just conclusion, as given in its order dated 10.09.2011, which was maintained by the appellate forum also.

For the aforesaid reasons when the issue has been legitly adjudicated, I do not find any reason for interference of the impugned order and the instant Revision Application is hereby dismissed.

JUDGE

Barkat Ali/PA