

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No.D-8147 of 2018

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Date Order with signature of Judge

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Fresh Case

1. For order on Misc. No.35649/2018.
2. For order on Misc. No.35650/2018.
3. For hearing of main case.

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**21<sup>st</sup> December 2018**

Mr. Mansoor-ul-Haq Solangi, Advocate for Petitioner.

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1. Urgency granted.
2. Exemption application is granted subject to all just exceptions.
3. It is, *inter-alia*, contended by the learned counsel for the Petitioner that the Petitioner was appointed as Staff Car Driver, in formerly Export Promotion Bureau (EPB) vide Office Order dated 14.1.1993 and served the Respondent-Trade Development Authority (TDAP) till his age of superannuation on 04.7.2016; that his case was considered under TDAP Service Rules, 2014 for grant of his terminal benefits as admissible under the aforesaid rules vide letters dated 07.3.2017 & 21.3.2017, but till date nothing has been done on the part of Respondent-TDAP, on the contrary vide Office Memorandum dated 28.5.2018, his application for grant of aforesaid terminal benefits was declined being not maintainable; that the aforesaid acts of the Respondents are against the law; that the Respondents have violated the fundamental rights of the Petitioner as enshrined under Articles 4,9,18 & 25 of the Constitution; that the Respondents failed to appreciate that the Petitioner was regular employee of TDAP, since 1993; that the terminal benefits of the Petitioner are required to be paid by the Respondents to the Petitioner under the rules and regulations of TDAP as discussed supra. At this stage, we queried from the learned counsel as to how the Petition is maintainable against the Respondent-TDAP, he in reply to the query has submitted that TDAP is a statutory body, created under

TDAP Act, 2013, having statutory rules of service; therefore, the instant Petition is maintainable under Article 199 of the Constitution. We then posted another question as to how the petitioner is entitled for his pensionary benefits from TDAP as he has already been discharged from Pakistan Army as L/NK Driver on 25.1.1990. In reply thereto, he has submitted that the Petitioner is an Ex-Service man who was discharged from Pakistan Army, pursuant to his application and thereafter he was appointed in the formerly Export Promotion Bureau, in the month of January, 1993 as Staff Car Driver under Esta Code, Chapter II, Section 14, SL-99, which reads as under:-

**“In terms of SL No.99 of section 14, chapter II of Esta code 50% vacancies in Grade 1-3 and in grade 4 of Staff Car Driver/Dispatch Riders are reserved for discharged, retired, demobilized armed forces personnel. The remaining 50% vacancies are to be treated as open to all. However ex-armed forces personnel are to be allowed to compete along with others for these vacancies as well.”**

He next added that a Committee was formed, which opined vide letter dated 21.3.2017 in favour of the Petitioner on the premise that the grievance of the Petitioner may be redressed, who has put in 24 years’ service in the Respondent-Authority. He next added that the Petitioner is demanding his terminal benefits since he has served the Respondent-TDAP for about 24 years, thus is entitled for all the legal dues accrued in his favour; that the Office Memorandum dated 28.5.2018 is absolutely illegal and has been issued without lawful authority in violation of law. He lastly prayed for notice.

To appreciate the above factual position and aspect of the case, as appraised by the counsel for the petitioner, let notice be issued to the Respondents as well as DAG for a date to be fixed by the office after winter vacations.

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