

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

C.P. No.D-3036 of 2017.

Present:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon

Nisar Ahmed

Petitioner

VERSUS

Province of Sindh
& others

Respondents

Date of decision: 19.03.2019

Mr. Ghulam Sarwar Baloch, Advocate for the petitioner.

ORDER

ADNAN-UL-KARIM MEMON, J.- Through instant petition, the petitioner is seeking direction to the respondents to pay him the Higher Education Allowance on the basis of acquiring the degree i.e. Master in Law as per the rules and regulations with effect from 16.12.2016.

2. Brief facts of the case are that the petitioner is working as Senior Clerk in Municipal Committee, Nawabshah and in the meanwhile he enhanced his qualification by acquiring Degree in LLM on 14.02.2012 in the first class from University of Sindh, Jamshoro. As per petitioner he submitted an application, for grant of higher education allowance, to the competent authority but all his efforts went in vain, compelling him to approach this court.

3. Mr. Ghulam Sarwar Baloch, learned counsel for petitioner has argued that as per notification dated 19.09.2016 issued by Government of Sindh, Secretary Finance, whereby the Government of Sindh has announced the policy of Higher Education Allowance, for those employees, who have

acquired better qualification i.e. LLM Degree; that the petitioner is legally entitled for the aforesaid higher education allowance; that the respondents are depriving the petitioner from his basic right, without assigning any legal justification. He lastly prayed for allowing of this petition.

4. We have heard learned Counsel for the petitioner and perused material available on the record.

5. We have seen notification regarding admissibility of Special Allowance per month to LL, M Degree holders as per notification dated 19.9.2016 which shows that this allowance is admissible to those employees working in the Judiciary / Law Department / Prosecution Branch and all Officers of General Cadres / APUGs / ex-PCS / ex-PSS. We have further noted that the Competent Authority has not extended the said facility to all civil Servants, working under Sindh Government.

6. Petitioner has emphasized on the notification dated 19.08.2016 issued by the Finance Department, Government of Sindh for grant of M. Phil Allowance @ Rs.2,500/- and argued that the aforesaid degree is equivalent of Masters of Law degree awarded by University of Sindh Jamshoro as per letter dated 29.08.2017 and argued that the petitioner's degree is at par with M. Phil degree, therefore, he is entitled for the special allowance having acquired LLM degree. We are not convinced with the assertion of the learned counsel for the petitioner for the simple reason that LLM degree deals with the issue of law and the employees who belong to the category of Judicial Officers, Prosecution Department and other, and which excludes the department of the petitioner where he is working, therefore, we cannot give benefit of notification dated 19.09.2016 to all LLM degree holders which is restricted in its nature.

7. In view of hereinabove facts and circumstances of the instant case and after having come to the conclusion that instant petition being misconceived in facts and law, is not maintainable under Article 199 of the Constitution of Pakistan, 1973. Consequently, the instant Petition stands dismissed in *limine* alongwith listed applications. However, the Petitioner may avail appropriate remedy as provided to him under the law.

JUDGE

JUDGE

Irfan Ali