

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D –3929 of 2012

Date	order with signature of Judge(s)
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For direction:
For order on CMA No.3773/2020 (Contempt)

15.02.2022

Mr. Rasheed Ashraf, advocate for the petitioner
Mr. Javed Haleem, advocate for respondent No.2/contemnor

This petition was accepted vide judgment dated 15.02.2019. An excerpt of the relevant part of the above judgment is reproduced as under: -

“22.But here in this case, when respondent has failed to prove that the petitioner was remained in gainful employment during the intervening period i.e. after termination of his service till disposal of the grievance application, therefore, under these circumstances, the petitioner is also entitled for the back benefits as claimed by him. The case law cited by the Counsel for respondent No.1 has been perused and considered by us, but did not find applicable to the facts of the present case, hence, not helpful for him.”

Petitioner has received the amount deposited with the Nazir of this Court. The endorsement of Nazir to that extent is available on record. Petitioner, however, has raised hue and cry by filing application bearing CMA No.3773/2020 and submitted that the respondent-company deliberately and willfully defeated the outcome of the order passed by this Court has not paid the petitioner full amount of Rs.05 million but only submitted a cheque amounting to Rs. 31,38,229/-. He further submitted an amount of Rs. 18,61,771/- is still outstanding against the respondent company. He prayed for the direction to the respondent company to comply with the order dated 15.2.2019 in its letter and spirit.

Learned counsel for the petitioner has filed a statement showing a certain amount that is still outstanding on account of the provident fund with effect from July 2019 to June 2021, allowances, and other ancillary benefits.

This stance of the petitioner has been refuted by the learned counsel for the respondent-company by referring to the Counter Affidavit of the alleged contemnor.

Be that as it may, we are not in a position to calculate and recalculate the back benefits and other ancillary issues of the petitioner, in the contempt proceedings.

Let parties submit their claim and counterclaim before the Nazir of this Court on or before the next date of the hearing; and, Nazir shall examine the case of parties about the calculation of the back benefits as ordered by this Court vide judgment dated 15.2.2019 and submit the report to the extent whether any outstanding amount of the petitioner on account of back benefits is owed by the respondents or otherwise. Nazir may seek the assistance of the office of Accountant General Sindh in this regard.

To come up after one month.

J U D G E

J U D G E

Nadir*