

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No.D –1859 of 2021
Constitutional Petition No.D –3525 of 2021

Date	order with signature of Judge(s)
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1. For order on office objection
2. For hearing of CMA No.14720/2021
3. For hearing of main case

10.03.2022

Mr. Muhammad Jibran Nasir, advocate for the petitioners in CP No. D-1859/2021
Mr. Saad Siddiqui advocate for the petitioners in C.P No.D-3525/2021
Mr. Malik Altaf Hussain advocate for respondents/KMC
Mr. Muhammad Nishat Warsi, DAG
Mr. Ali Safdar Depar, AAG
Mr. Muhammad Adnan Abdullah, advocate for Pakistan Medical Commission/respondent No.4

Mr. Saad Siddiqui, learned counsel for the petitioners in C.P. No. D-3525/2021 has submitted that the petitioners are entitled to stipend at Rs.45,000/- per month as per notification dated 02.4.2019 and are also entitled to receive COVID-19 Health Risk Allowance at the rate of Rs.10,000/- as per letter dated 24.6.2020 which has not been given to the petitioner. Learned AAG has submitted that in compliance with the order dated 25.6.2021, the house job stipend at the rate of Rs.30,000/- has been deposited in the accounts of the petitioners. At this stage, learned counsel for the petitioners has submitted that the petitioners are required to be paid Rs.45,000/- as per notification discussed supra.

It appears that the orders passed by this Court have not been complied with by the respondents. Learned AAG has relied upon the comments of Finance Secretary dated 23.6.2021 and submitted that Finance Department has specially approved/released funds amounting to Rs.100.00 million as one time grant in aid for payment of enhanced salaries and stipend allowance to medical employees of Abbasi Shaheed Hospital Karachi and have been placed at the disposal of Administrative Department i.e. Local Government Department accordingly, therefore, it is the respondent/KMC to clear all stipends and other dues of the petitioners as per policy.

Learned counsel representing KMC has submitted that KMC is suffering from serious financial crises whereas the Local Government has not released funds to the KMC for the purposes of paying revised stipend to house job officers and COVID

allowance to frontline health workers despite repeated requests, however, he agreed in principle to pay stipend to the petitioners at the rate of Rs.45,000/- subject to release of payment by the Local Government Department. In support of his contentions, he relied upon a letter dated 10.3.2022 and submitted that in the matter of arrears of salaries of house officers of Karachi Medical & Dental College (KMDC), the same institute is suffering from acute financial crises with liabilities of more than 200,172,772.00/- like salaries, pension, commutation, provident funds and other liabilities related to the salaries. Per learned counsel, the salaries of house officers of KMDC have been paid for seven months as per their appointment of one year period and remaining outstanding will be paid accordingly.

Learned AAG has submitted that there are twelve public sector teaching hospitals and seventeen private sector teaching hospitals, which are independent to follow their relevant rules/policies.

Mr. Muhammad Jibran Nasir, learned counsel for the petitioners in C.P. No. D-1859/2021 has referred to his statement dated 03.3.2022 and submitted that as per the performance of the petitioners, they are liable to be paid the stipend at the rate of Rs.45,000/- per month, COVID-19 Health Risk Allowance, and other benefits as admissible to them under the law. Learned counsel referred to various documents attached with the memo of petition and orders passed by this Court from time to time and submitted that respondents are reluctant to comply with the direction of this Court; therefore, they may be taken to task.

Be that as it may, we deem it appropriate to direct the Finance Secretary, Secretary Local Government Department, and the competent authority of KMC to deposit the subject stipend amount and COVID-19 Health Risk Allowance of the petitioners as per notifications discussed supra, if the said allowances have not been paid to the petitioners earlier, with the Nazir of this Court within two (02) weeks from today. The aforesaid officials shall also be in attendance before this Court on the next date of hearing.

Let a copy of this order be communicated to the Finance Secretary, Secretary Local Government Department, and the competent authority of KMC, for compliance.

To come up **after two (02) weeks.**

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