

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No. D-2714 of 2021

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

Fresh Case :

1. For order on Misc. No.11737 of 2021 (urgent)
2. For order on office objection no.18.
3. For order on Misc. No.11738 of 2021 (Exemption) :
4. For hearing of main case.

20.04.2021

Mr. Qaim Ali Memon, advocate for the petitioner.

1. Urgency granted.
2. Office objection be complied within a week.
3. Exemption is granted subject to all just exceptions.
4. Petitioner claims to have served the respondent-Sindh Small Industries Corporation; and, reached the age of superannuation on 30.10.2018. Petitioner is now seeking his pensionary benefits i.e. gratuity and benevolent fund, which has been virtually denied by the respondent department without any rhyme and reason. It is contended inter alia by the learned counsel for the petitioner that the Hon'ble Supreme Court in the case of Haji Muhammad Ismail Memon (PLD 2007 SC 35) directed the Chief Secretary, Government of Sindh, to comply with the directions contained in the aforesaid case and finalize the pensionary benefits of the pensioners accordingly, but the respondent-department has failed and neglected to comply with the ratio of the aforesaid decision of the Hon'ble Supreme Court. He also relied upon the case of Abdul Ghaffar v. Province of Sindh and others (C.P. No.D-5611/2017) (page 45) and argued that the case of the petitioner is akin to the case of his colleague Abdul Ghaffar as discussed supra. He prayed for the direction to Chairman Sindh Small Industries Corporation to take the necessary steps to clear the pensionary and other benefits under the law within two months.

To ascertain as to whether the respondent-department has complied with the directions contained in the judgment passed by the Hon'ble Supreme Court in the case of Haji Muhammad Ismail Memon in its letter and spirit or otherwise, let notice be issued to the respondents as well as to learned AAG for 26.05.2021 with direction to file comments.

JUDGE

JUDGE