

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No.D-3209 of 2019
(Saeed Ahmed v. Province of Sindh and 02 others)

Order with signature of Judge(s)

For hearing of main case

12.01.2023

Petitioner, Saeed Ahmed, present in person
Mr. Abdul Jalil Zubedi, AAG

It is noted that vide order dated 09.02.2022 passed by this Court, Town Officer, Ubauro submitted that all the benefits have been received by the petitioner and only LPR is remaining to be paid to him. He further stated that such a bill has been sent to the Director Legal Fund Department for approval or otherwise, however, Director Legal Fund Department was directed to appear in Court in person along with the report.

Learned counsel for the petitioner submits that despite directions of this Court, the respondents are reluctant to pay arrears as the post of the petitioner was upgraded from Grade 5 to 7 and from Grade 7 to 11, but such arrears have not yet been paid to the petitioner by the Town Committee, Ubauro.

Learned AAG while referring to the notification dated 03rd October 2012 issued by the Finance Department, Government of Sindh, concerning amendment in LPR / Enactment rules, submitted that the civil servants retiring either on superannuation or after completion of 30 years or proceeded on retirement voluntarily after completion of 25 years qualifying service for the pension, without availing of LPR, were entitled to encashment subject to a maximum of 180 days.

We have noticed that the petitioner voluntarily retired from service in BPS-05 and 25 years, 08 months, and 18 days are in his credit. The respondents have claimed to have paid all the benefits to the petitioner and only LPR is remaining to be paid, however, at this stage, learned counsel for the petitioner the post of the petitioner was upgraded from BS-05 to BS-07 and from Grade-7 to 11, but such arrears have not yet been paid for

which learned AAG undertakes that if the petitioner is entitled for such leftover amount, he shall be paid accordingly.

In view of the above, this petition stands disposed of with direction to the competent authority of respondents to clear the remaining dues of the petitioner, if he is at all entitled under the law, within 02 weeks positively. In case of failure, appropriate action in terms of Article 204 of the Constitution shall be initiated against the respondents and other delinquent officials. Let a copy of this order be communicated to the respondents for compliance.

JUDGE

JUDGE

Nadir*