

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 1740 of 2021

Date of hearing	Order with signature of Judge
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Hearing of case

For hearing of main case

07.12.2022

Mr. Abdul Sattar Shar, Advocate for the petitioner.
Mr. Shahid Hussain Jogi, Advocate for respondent No.5.
Mr. Ihsan Ali Lund Baloch, Advocate for respondent No.6.
Mr. Ali Raza Baloch, Assistant Advocate General Sindh.

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In compliance of earlier order, Ali Anwar Ruk (Regional Director, Local Government Department, Sukkur) is present and files his statement along with certain annexures, whereby it has been stated that petitioner Abdul Rasheed son of Khattan Khan was appointed as Octroi Clerk in the year 1981 in Town Committee, Setharja. On promulgation of the Sindh Local Government Ordinance, 2001, the Taluka Municipal Administration was introduced and Town Committee, Setharja became the part of Taluka Municipal Administration, Thari Mirwah. The employees, assets, machinery, equipment, sources etc. were transferred to Taluka Municipal Administration, Thari Mirwah. The petitioner was retired on 06.07.2021 and he was drawing his salaries from Taluka Municipal Administration, Thari Mirwah till his retirement. At the time of petitioner's retirement from his service, the charge of Administrator, Town Committees, Thari Mirwah, Setharja, Bozdar Wada and Tando Mir Ali was held by the Assistant Commissioner, Thari Mirwah. As the Administrator was same for all Town Committees of the Taluka, he made a reference to Secretary, Sindh Local Government Board, Karachi and obtained the permission for release of pensioner's benefits on 01.11.2021. In the meantime, the matter of bifurcation of assets, liabilities, staff, machinery, equipment, etc. of

Town Committee Setharja was in process between Finance Department and Local Government Department. The Finance Department finally issued a letter, whereby the distribution of salaries, pensionary benefits etc. was ordered and all the employees were allowed to draw their salaries/pension from their respective Councils w.e.f. June 2022 and onwards.

So far the other benefits of the retired employees i.e. Gratuity/ Commutation, 365 days LPR, arrears of salaries etc. of the retired employees of former Town Committee Setharja are concerned, dispute arose among the Town Committees, wherein the services of the former employees were merged, who thereafter were retired from their respective Town Committees. The case of the petitioner is also one of those employees.

The issue raised in this petition is identical with one decided by this Court in C. P. No. D-704 of 2022 (*Re: Ramiz Ali v. Province of Sindh and others*) vide order dated 03.11.2022. Relevant paragraphs of the said order are reproduced as under:

“Para wise comments have been filed by the respondent No.3, wherein it has been pleaded that due to bifurcation vide Minutes of Meetings dated 12.04.2022 and 30.05.2022, the powers of disbursement were made to all four Town Committees i.e. T.C, Thari Mirwah, T.C, Setharja, T.C, Tando Mir Ali and T.C, Bozdar Wada of Taluka Thari Mirwah and now the Town Committee, Bozdar Wada is responsible to release the pensionary benefits to the petitioner. It has also been pleaded that the respondent No.3 wrote a letter dated 12.08.2022 to the respondent No.1 for enhancement of OZT share, but no fruitful response has been received.

We are afraid, it is an admitted position that the petitioner stood retired as Administrative Officer, Town Committee, Thari Mirwah, hence there will be no impact of subsequent bifurcation of Town Committees of Taluka Thari Mirwah on him. The Town Committee, Thari Mirwah is liable to pay the remaining entire pensionary benefits to the petitioner.

*Accordingly, we **dispose of** this petition by directing the respondents No.3 to 5 to pay the remaining amount of **Rs.33,06,071/-** to the petitioner being his pensionary benefits within a period of thirty (30) days hereof without fail."*

In view of above, this petition is also disposed in similar terms by directing the respondents No.5 & 7 (*Administrator/Town Officer and Accounts Officer of Town Committee, Thari Mirwah, respectively*) to pay the service/pensionary benefits of the petitioner within a period of thirty (30) days hereof without fail.

Instant petition stands **disposed of** in the above terms.

JUDGE

JUDGE

Abdul Basit