

IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No.D-7366 of 2021

(Abdul Ghaffar and others v. Province of Sindh and 07 others)

Mr. Mumtaz M. Gopang, advocate for the petitioners

Mr. Abdul Jalil Zubedi, Additional Advocate General Sindh

Date of hearing : 07.03.2023.

Date of Order : 07.03.2023.

ORDER

ADNAN-UL-KARIM MEMON, J:- This petition has been filed on the ground that 'Health Risk Allowance' is not being given to the petitioners who, according to the learned counsel for the petitioners, are performing field duties in BPS-5 to BPS-17 at District Health Offices in all over Sindh and were exposed to Covid-19 Patients. Petitioners have averred that the competent authority approved the summary on 11.12.2020 with a lump-sum amount of Rs.38.587 Million, however, the said Health Risk Allowance was not disbursed to the petitioners perhaps the same was usurped by the respondents. This has triggered caused the petitioners to approach this Court.

2. We are only concerned whether the petitioners are entitled to the said allowance or otherwise and we leave it to the competent authority of the respondents to look into the matter of the petitioners as agitated by them through the instant petition.

3. At this stage, learned AAG has submitted Health Risk Allowance' had been allowed to the "Health Personnel" who were performing their duties in Covid-19 Ward and Lab. Learned AAG further submitted that the competent authority has dispensed the COVID/ Health Risk Allowance, thus the petitioners being field personnel appointed on a contract basis were/are not entitled to the said allowance. He prayed for the dismissal of the instant petition.

4. After hearing both the learned counsel at some length, the instant petition is disposed of by directing the Secretary Health Department, Government of Sindh to scrutinize the matter of the petitioners in the light of the policy decision of the Government of Sindh on the subject allowance and if it is found that the petitioners fall within the definition of "Health Personnel", the Health Risk Allowance should be given to them and if they do not fall within the said definition will not be entitled to the said allowance. This exercise should be completed preferably within one month from the date of receipt of this order.

5. The instant petition, therefore, stands disposed of along with the listed application, in the above terms. Let a copy of this order be sent to the Secretary Finance and Secretary of Health Department, Government of Sindh for information and compliance.

JUDGE

JUDGE

Nadir*