ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No.D-4322 of 2018

D. () (1 C) () (1 L ()

Date

Order with Signature(s) of Judge(s)

Direction

For hearing of CMA No.34192/2022 (contempt)

07.03.2023

Mr. Abdul Salam Memon, advocate for the applicants/petitioners

Mr. Waqas Shaikh, advocate for the alleged contemnor

This Court vide order dated 19.10.2022 observed as under:

- Perusal of the aforesaid office order reflects that now the payment of allowance is being made at different rates to the officers/employees by categorizing them in Category of Manager / Assistant General Manager / Deputy General Manager / General Manager / Divisional Head and accordingly, different rates have been approved for payment of the allowance in question as to their respective qualification. This categorisation on the basis of designation apparently appears to be in clear violation of Regulation-9 ibid, which does not provide for any distinction as to the designation of the employees. It only permits the Board of Directors to prescribe rates over and above the minimum rates. It does not empower the Board of Directors to make a category of the employees as it is to be paid to eligible employees as per their individual qualification and not otherwise. There is nothing in Regulation 9 ibid, so as to suggest any other mode or mechanism for categorisation of employees according to their designation. Despite our repeated requests learned Counsel for Respondents No. 2 to 4 has not been able to assist us in this regard as to competency of the Board of Directors to act in violation of the Regulations nor we have been assisted that these Regulations have been amended empowering the Board to take any such decision by introducing categorisation of employees by designation.
- 6. In view of hereinabove facts and circumstances of this case, since the decision of the Board of Directors taken in the 242nd meeting held on 08.12.2015, and the impugned Office Order No.P&GS/PO/14/2016 dated 06.01.2016 appear to be in contravention of the Statutory Regulations, as above; we do not see any justifiable reason to sustain the same and accordingly, by means of a short order passed in the earlier part of the day we had allowed this petition by setting aside the same and these are the reasons thereof."

Petitioner has filed a contempt application under Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973 (CMA No.34192/2022), prying therein to initiate contempt proceedings against the alleged contemnor, who willfully disobeyed the order dated 19.10.2022 passed by this Court for the reasons best known to him.

Learned counsel for the alleged contemnor was confronted with the aforesaid position; and, in reply thereto, he submitted that this court while passing the order dated 19.10.2022 suspended the operation of the impugned office order dated 06.01.2016 as such the impugned order is no longer in the field, and it was expressly repealed vide office order dated 27.02.2023 issued by the competent authority in compliance with the order dated 19.10.2022, whereby admissibility of qualification allowance of accounting professional holding qualification of ACA/ACMA, FCA/FCMA of the applicant stood abrogated/abinito.

We have heard the parties on the listed application and perused the compliance report.

In view of the above, we concluded that substantial compliance with the order dated 19.10.2022 passed by this Court has been made, therefore, no further deliberation is required on our part, and therefore, the listed application stands dismissed.

JUDGE

JUDGE

Nadir*