

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. 1597 of 2019
(Salman Memon vs. Province of Sindh & others)

Date	Order with signature of Judge
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For order as to maintainability.

11.10.2023.

Dr. Shah Nawaz Memon, Advocate for Petitioners.
Mr. Ali Safdar Depar, AAG.

It appears that the controversy as raised in this matter that whether pursuant to Notification dated 9.3.2015 the Petitioner ought to have been repatriated to WAPDA in line with the dicta laid down by the Supreme Court in the case of *Ali Azhar Baloch v Province of Sindh* (**2015 SCMR 456**) & *Contempt Proceedings against Chief Secretary Sind* (**2013 SCMR 1752**) already stands decided in respect of two other similarly placed employees namely *Jama Mitha Khan* and *Syed Noor Hussain Shah* in Constitutional Petition No.D-1511/2019 [***Jam Mitha Khan vs. Province of Sindh & others***] Constitutional Petition Nos.1661/2019 [***Syed Noor Hussain Shah vs. Province of Sindh & others***] and vide judgments dated **23.09.2019** and **04.03.2021** respectively by a Division Bench of this Court. The relevant findings of judgment whereof read as under:

CP No: 1511 of 2019

“12. In the given circumstances, instead of travelling into the merits of the case, the petitioner since has retired during litigation, as he has not joined WAPDA, besides the notification of repatriation has not been given effect.

13. We may also notice that judgment of the Honorable Supreme Court does not apply to the retired employees as on retirement; they do not affect the seniority, promotion or any other benefit of the serving employees. 14. We in the circumstances are constrained to direct Sindh Government to pay all his perks and privileges to which he was entitled to on issuance of notification of his repatriation, inclusive of his entire pensionary benefits within [02] months and report compliance through MIT-II of this court.”

14. We in the circumstances are constrained to direct Sindh Government to pay all his perks and privileges to which he was entitled to on issuance of notification of his repatriation, inclusive of his entire pensionary benefits within [02] months and report compliance through MIT-II of this court.

CP No.1661 of 2019

“22. In the given circumstances, instead of traveling into the merits of the case of petitioner namely Syed Noor Hussain Shah; since, he has been reported to have retired from service, during litigation; and, he has not joined WAPDA. Besides the notification of his repatriation has not been given effect. We may also notice that judgment of the Honorable Supreme Court does not apply to the retired employees as on retirement; as they do not affect the seniority, promotion, or any other benefit of the serving employees. We, in the circumstances of the present case and with the consent of learned AAG, are constrained to direct Sindh Government to pay all his perks and privileges to which he was entitled on the issuance of notification of his repatriation, inclusive of his entire pensionary benefits within [02] months, and report compliance through MIT-II of this court. The instant Petition C.P. No. D-1661 of 2019 stands disposed of in the above terms.”

Since identical issue already stands decided, whereas, as informed, the above judgments have been implemented and not assailed any further by the Province of Sindh; therefore, this petition is also allowed / disposed of in the same terms as recorded hereinabove.

J U D G E

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Rafiq/PA