

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

*Mr. Justice Aqeel Ahmed Abbasi, CJ*  
*Mr. Justice Abdul Mobeen Lakho, J*

**C.P. No.D-8514 of 2019**

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Date

Order with signature of Judge

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For hearing of main case.  
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**Dated; 8<sup>th</sup> May 2024**

Petitioner present in person.

Mr. Miran Muhammad Shah, Addl. A.G. and  
Mr.Saifullah, Asst. A.G. Sindh.

Barrister Waleed Khanzada, Advocate for Respondents  
No.2 to 3.

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**ORDER**

1. After hearing the petitioner and the learned counsel for respondents and from perusal of the record available, it has transpired that petitioner, who is an employee of Karachi Water & Sewerage Board, had travelled to India for the purpose of liver transplantation, whereas, an amount of Rs.600,000/- was paid by Karachi Water & Sewerage Board, whereas, on his return from India after getting liver transplantation during the years 2012 to 2020, petitioner is now claiming an amount of Rs.61,80,000/-, which according to petitioner, were actually spent in India for the purpose of petitioner's liver transplantation. It has, however, transpired from record that there was no approval given by the respondents to the petitioner for his liver transplantation from abroad (India), nor there seems to be any document to support the contention of petitioner to establish that petitioner was allowed by respondents to get liver transplanted from abroad, nor there seems any commitment on the part of the respondents for disbursement of the entire amount spent by him for such purpose, except his two letters addressed to the Minister, Local

Government and Chairman KW&SB, Karachi and the Vice Chairman, Karachi & Sewerage Board, Karachi, copies of which are available as Annexure B & B/1 at pages 69 and 71 of instant petition.

2. Learned counsel for the respondents submits that he has already filed a statement dated 08.12.2022 duly supported by affidavit, alongwith copy of Karachi Water & Sewerage Board Medical Policy Manual 2013-14, whereas, according to learned counsel, under the aforesaid Policy, there is no provision for allowing an employee of KW&SB to get treatment from abroad. It has been further contended that during all these years, none of the employee has ever been either sent or allowed medical expenses in respect of treatment from abroad, whereas, employees of KW&SB are allowed to get medical treatment/reimbursement of expenses from Panel Hospitals.

3. In view of hereinabove facts and circumstances of the instant case, we are of the opinion that in absence of any specific Law, Rules and Regulations and the policy relating to the disbursement of medical expenses in respect of the medical treatment from abroad, petitioner could have either claimed or sought any approval from the competent authority in this regard or could get medical treatment as per Policy and relevant Rules or Regulations instead of making a subsequent claim to this effect. The claim of the petitioner, which is not supported by law, rule, regulation or the Medical Policy of KW&SB, cannot be examined by this Court in a writ jurisdiction. As regards the approval by the then Minister, Local Government, Chairman, and the Vice Chairman, KW&SB, Karachi to this effect, prima facie, it appears that such approval does not have any legal support, therefore, cannot be considered as a valid ground to seek recovery / reimbursement of the aforesaid amount towards medical expenses.

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4. Accordingly, instant Constitutional Petition is hereby dismissed alongwith listed application. However, the petitioner will be at liberty to approach the concerned authority in the light of the aforesaid approval, who may consider the request of the petitioner on humanitarian ground in accordance with law and the procedure, if any.

**CHIEF JUSTICE**

**JUDGE**

\*Farhan/PS\*

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