

THE HIGH COURT OF SINDH, KARACHI

Before:

Justice Mohammad Karim Khan Agha

Justice Adnan-ul-Karim Memon

CP No D-2523 of 2020

(Muhammad Khalid Siddiqui v. Federation of Pakistan & others & others)

Petitioner : through Masood Ahmed Bhatti, advocate.
Respondents No. 1 to 3 : Ms. Zehra Sehar, Assistant Attorney General
Dates of hearing : 12-05-2025
Date of order : 12-05-2025

ORDER

Adnan-ul-Karim Memon, J., The Petitioner requests this Court to direct the Respondent-Pakistan Telecommunication Company Limited (PTCL), to grant him the benefits associated with acquiring his B.Tech (Hons) degree, including all retroactive financial benefits, effective from March 30, 2007, consistent with how similar cases have been treated. Additionally, he seeks a directive for the Respondents to pay compensation, calculated with an 18% compound markup, for the financial losses he has unlawfully incurred.

2. The petitioner, who joined PT&T in 1986 under Civil Servants Act rules, averred that his service conditions were protected when PTCL was formed in 1996. Having earned and submitted a B.Tech (Hons) in 2002, he claims a vested right to promotion to BPS-17 from March 30, 2007, consistent with practice. Although acknowledged in 2007, his promotion was delayed due to a court case, unlike a similar Supreme Court ruling in the *Nasiruddin Ghori case*, granting BPS-17 from 1992. The petitioner's promotion letter, issued on December 23, 2017, was effective from that date, allegedly denying him benefits from March 2007 and causing financial losses. Repeated appeals have been ignored.

3. The learned counsel for the Petitioner argued that the Respondents' conduct is unlawful, unreasonable, and taken in bad faith, contravening Articles 2-A, 4, 25, and 38(b) of the Constitution, as well as the pronouncements by the Supreme Court in the case of Masood Bhatti case 2012 SCMR 152. He highlighted the Respondents' inconsistency in not applying the established principle of granting promotion from the date of acquiring the B.Tech (Hons) degree, despite having done so in analogous cases involving one Jawed Iqbal, Haq Dad Khan, and Nasiruddin Ghori. Furthermore, counsel asserted that while the Respondents implicitly accepted the Petitioner's application, their failure to issue a reasoned order under Section 24-A of the General Clauses Act, 1897, compelled the Petitioner to seek recourse from this Court, despite the existence of settled

legal precedent. The learned counsel also contended that Respondent No. 1 neglected its constitutional obligation to ensure the benefits of transferred employees were upheld. Ultimately, it was submitted that the Respondents have acted in defiance of the Constitution and the rulings of the Supreme Court.

4. Learned AAG opposed the petition without filing the comments, on the ground that the petitioner is not entitled to relief

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. In a comparable case involving the petitioner's colleagues, including Nasiruddin Ghori, the Federal Service Tribunal ruled on May 28, 2004, granting them relief. The Tribunal's order stated that the appellant would be considered promoted to ADE (BPS-17) from the date of his B.Tech (Hons) degree, with seniority lists corrected accordingly, and subsequent promotions governed by rules. Consequently, Nasiruddin Ghori was promoted to BPS-17, effective from 1992, with service benefits.

7. Given the petitioner's similar situation, having been appointed in 1986 and obtaining his B.Tech (Hons) in 2007, this petition is disposed of in line with the Supreme Court's decision on October 7, 2011, in Civil Appeal No. 241 of 2011, with all resulting benefits to be provided to the petitioner within three months.

JUDGE

HEAD OF CONST. BENCHES

SHAFI