

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D-609 of 2021
(Nazir Ahmed Soomro versus Federation of Pakistan & others)
Constitutional Petition No. D-7231 of 2019
(Nazir Ahmed Soomro versus Federation of Pakistan & others)

Date	Order with signature of Judge(s)
<u>Fresh Case</u>	Before: Mr. Justice Adnan-ul-Karim Memon Mr. Justice Abdul Mubeen Lakho

Date of hearing and order : 13.01.2026

Mr. Abdul Ghaffar advocate along with the petitioner
Mr. Amjad Ali advocate for Respondent (KPT)
Mr. Khaeeq Ahmed DAG.

ORDER

Adnan-ul-Karim Memon, J. – The petitioner has filed the captioned Constitutional Petition No. D-609 of 2021 under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- (A) *The impugned letter dated 21.12.2020, declared as illegal without lawful Authority, has no legal effect, and may please be set aside.*
- (B) *To direct the officials, Respondents No. 2 to 4, to grant similar/identical benefits of increment as per precedent given I para No.5 of the petition and further direct to grant payment of arrears of annual increment for the year 2016 and recalculate pensioner benefits, commutation, and gratuity along with 15% profit per annum.*
- (C) *Grant any other relief that this court deems just and proper in the circumstances of the case.*

2. In Constitutional Petition No. D-7231 of 2019, the petitioner has also prayed as under: -

- a) *Declare that impugned letter dated 28.10.2019 issued by the respondent No.5 is illegal, without lawful authority and of no legal effect.*
- b) *Direct the said respondents No.2 to 5 to grant payment dual duty allowance / higher post allowances, other benefits attached with post w.e.f. 24.07.2018 to date of retirement 04.05.2019 as the case may alongwith profit @ 15% per annum till the realization of said payment.*

3. The petitioner was appointed as Traffic Supervisor 2nd Grade on 12.05.1986, later promoted as Traffic Inspector 2nd Grade on 12.08.2016 and Traffic Inspector 1st Grade on 13.06.2017. He retired from KPT service as Traffic Inspector 1st Grade on 04.05.2019. His request for a grant of annual increment for 2016 was declined through letter No.HR/TR/Estt/NR-2001 dated 21.12.2020. He had applied through the proper channel on 26.10.2016 for the increment under BR No.214 dated 14.02.1968, claiming similar benefits were granted to other promoted officials.

4. It is contended that a grievance committee was constituted on 21.02.2019, and the petitioner approached it on 12.03.2019. He also

submitted a representation to the Federation of Pakistan on 05.01.2021. He claims that KPT granted similar benefits after retirement to other officials, naming four such employees, and alleges discriminatory treatment in violation of Articles 4 and 25 of the Constitution of Pakistan.

5. The Respondents' counsel submit that the present Constitution Petition is not maintainable, as an alternate forum and remedy are available to the Petitioner, and the petition does not disclose any cause of action falling within the constitutional jurisdiction of this Hon'ble Court. The grievance raised pertains to service and pay matters, specifically annual increment and alleged adjustment of promotion date, which fall within the exclusive jurisdiction of the Commissioner, Payment of Wages. He submitted that the Petitioner, an employee of Karachi Port Trust (KPT), had already received the annual increment in 2016 and had expressly opted not to avail the benefit of Rule 19 of the KPT Pay, Allowances, and Leave Rules. Furthermore, the Petitioner had filed a similar petition before this Court in 2021, which was withdrawn with permission to approach the competent forum. The present petition, based on identical facts and cause, is barred by res judicata and is, therefore, not maintainable. It is further submitted that the Petitioner, fully aware of the proper forum and procedure, submitted an application regarding promotion date adjustment only after retirement, which cannot be entertained under the rules. The petitions have been filed with mala fide intention to obtain benefits to which the Petitioner is not entitled. The contradictions in the petition and the Petitioner's own conduct demonstrate that the petitions are frivolous, misconceived, and liable to be dismissed with costs. Accordingly, the Respondents pray that this Court to reject the petitions, impose exemplary costs on the Petitioner, and grant any other relief deemed just and proper.

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

7. In view of the foregoing submissions, it is noted that the Petitioner, being a retired employee of Karachi Port Trust, had already received the annual increment in 2016 and had also opted not to avail the benefit of Rule 19 of the KPT Pay, Allowances, and Leave Rules. Accordingly, both petitions are dismissed in their entirety with no order as to costs alongwith pending applications, if any.

JUDGE

JUDGE