

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-650 of 2021
(*Sikandar Ali Sial & others v Federation of Pakistan & others*)

Date	Order with signature of Judge
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Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 18.02.2026

Mr. Usman Farooq for the petitioners.

Barrister Minaal Tariq, advocate for Respondent No.2

Mr. Shujauddin advocate for the respondents No. 3, 4 and 5

Mr. Ali Safdar Depar, AAG

Ms. Wajiha Mehdi DAG

ORDER

Adnan-ul-Karim Memon, J. – The petitioners have filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a) *To set aside the impugned judgment dated 29.01.2020, passed by the Respondent No.7 in the Revision application No. Suk-14/2018;*
- b) *To direct the Respondents to pay the remaining amount under the Golden Handshake Scheme;*
- c) *Cost of the petition.*

2. The Petitioners, aggrieved by the judgment dated 29-01-2020 of the Sindh Labour Appellate Tribunal, Karachi, in Revision Application No. Suk-14/2018, challenge the dismissal of their revision against the Labour Court's order regarding payments under the Golden Handshake Scheme (GHS) of Pak Saudi Fertilizer Limited (PSFL). It is submitted that PSFL, 90% owned by the National Fertilizer Corporation Limited (NFCL), was privatized in 2002 by the Privatization Commission of Pakistan (PC). It is averred that under the pre-privatization Labour Severance Scheme, a Golden Handshake (GHS) was offered: "1" represented legal dues payable by PSFL, and "4" represented four months' basic salary per year of service, shared equally between the successful bidder, Fauji Fertilizer Company Limited (FFCL), and the PC. It is further submitted that four hundred sixteen workers, including the Petitioners, opted for GHS. However, they submitted that the payments were undervalued, as basic pay was understated and allowances, bonuses, and profit shares were excluded. However, dissatisfied, a group of Petitioners initially filed a constitutional petition No. D-51/2007 at the Sukkur Bench, which

was dismissed. A subsequent appeal to the Supreme Court in Civil Petition No. 523/2011 was voluntarily withdrawn to avail a remedy before the Court of plenary jurisdiction. However, another group of workers filed Civil Suit No. 1444/2011 before this Court, seeking the remaining GHS amount, which remains pending. It is added that on 26-07-2012, Petitioners filed Application No. 4/2012 under Section 15 of the Payment of Wages Act, claiming Rs. 6,138,607/- as unpaid GHS amounts plus tenfold compensation. However, the Respondents denied any shortfall and challenged the Authority's jurisdiction, citing Section 28 of the Privatization Commission Ordinance 2000, which grants exclusive jurisdiction over privatization matters to the High Court only. It is added that the Authority allowed the claim of the Petitioners without compensation, and both parties appealed; the Respondents challenged the allowance of the claim, while the Petitioners challenged the denial of compensation. The Labour Court set aside the Authority's order, however, dismissing the Petitioners' claims on the merits, noting insufficient proof, compelling them to approach this Court.

3. Petitioners' counsel argued that the lower courts mis-appreciated facts and law, particularly regarding the calculation of legal dues under GHS. He added that the GHS terms formed part of the bid documents and constituted a contractual right enforceable against the respondents. He further argued that the lower forums erred in relying solely on Section 28 of the Ordinance to deny jurisdiction, which was not contested during proceedings before the Authority or Labour Court. Petitioner counsel submitted that they are being deprived of a valid remedy and their fundamental rights to due payment under the GHS. He prayed to allow this petition.

4. Respondents' counsel maintain that the Petitioners were fully paid under the GHS. He pointed out that Section 28 of the Privatization Commission Ordinance 2000 confers exclusive jurisdiction to the High Court over privatization-related matters, rendering the Authority under the Payment of Wages Act without jurisdiction. He submitted that the Appellate Tribunal dismissed the revision, maintaining the Labour Court's order. It noted that while the Labour Court addressed the matter on merits, the proper reason for setting aside the Authority's order is a lack of jurisdiction under Section 28 of the Ordinance. He prayed to dismiss this petition.

5. After arguing the matter at some length, learned counsel for the Petitioners submitted that, pursuant to the Order of the Supreme Court of Pakistan dated 21.06.2012, passed in C.P. No. 2523 of 2011, the Petitioners were directed to avail the remedy before the Court of competent jurisdiction and intend to do so. However, counsel for the Respondent opposed this stance on the ground that a Suit filed by the Petitioners is already pending adjudication. Be that as it may, if no such remedy has

been availed, the Petitioners may do so, or seek impleadment in the Suit already filed by their colleagues for decision on merits, as the issue of remaining GHS payment requires evidence which cannot be examined under Article 199 of the Constitution, preferably within three months, as considerable time has elapsed since 2012.

6. Without touching the merits of the case, this petition stands disposed of in the above terms.

JUDGE

JUDGE

Shafi