

IN THE HIGH COURT OF SINDH KARACHI

Before:

Justice Muhammad Saleem Jessar
Justice Nisar Ahmed Bhanbhro

CP No.D-6307 of 2024

(M. Ramzan v. Federation of Pakistan and 2 others)

Petitioner: Through Syed Ali Ahmed Zaidi assisted by Mr. Hassan Raza, Advocates

Respondent No 2/
Karachi Port Trust Through Mr. Naseer Nehal Hashmi, Advocate

Respondents No 1 & 3 Ms. Zaharah Sahar Vayani, Assistant Attorney General for Pakistan

Date of hearing and order: 11.02.2026

Date of Reasons: 27.02.2026

ORDER

NISAR AHMED BHANBHRO, J. Through this petition, the petitioner claims following relief(s):-

"I. Declare that the impugned Board Resolution No 462 dated 20.06.2023, passed by the Board of Trustees of Respondent No 2, is illegal, void, and without lawful authority as it contravenes the principles of financial prudence public policy, and procedural requirements;

II. (As a consequence of the above), declare that the Impugned Board Resolution No 462 is discriminatory to the Petitioner and extends undue benefit to any person who have retired between 01.01.2023 to 20.06.2023, and as such set aside the same;

III. Direct the Respondents to submit the list of employees who have availed (unlawful) benefits under the Impugned Board Resolution,

IV. Suspend the operation of impugned Board Resolution No 462 dated 20.06 2023 passed by the Board of Trustees of Respondent No. 2, in perpetuity;

V. Issue directions to Respondent No 2 to provide a comprehensive record of deliberations and documentation that led to the adoption of the impugned Board Resolution, including all financial justifications and impact assessments, to ascertain the transparency of the decision-making process."

2. Learned counsel for the petitioner submits that the petitioner is a retired employee of Respondent No. 2/Karachi Port Trust ('KPT'), having rendered 32 years of meritorious and unblemished service. He was initially

appointed as a Trainee Engineer on 15.01.1990 and, by virtue of his competence and dedication, earned successive promotions, ultimately serving as Chief Mechanical and Electrical Engineer (Acting Charge) at the time of his retirement on 13.10.2022. He contends that the petitioner, even after retirement, remains deeply attached to Respondent No. 2 and, being an entity of the State, considers it his bounden duty to safeguard its interests against any mala fide or unlawful act. Learned counsel further submits that Board Resolution No. 462 dated 20.06.2023¹, whereby a review of allowances has been sanctioned with effect from 01.01.2023, is patently illegal and contrary to sound financial and administrative principles. According to him, a bare perusal of the said Resolution demonstrates that it contemplates unwarranted and substantial increases in allowances, resulting in undue financial burden upon the respondents and serving private interests at the expense of institutional stability. He placed reliance on the cases of **I.A Sharwani and others² and unreported judgment dated 16.02.2018 passed by this Court in CP No.D-3491/2013** and prayed for allowing instant petition.

3. Learned counsel for KPT/Respondent No 2 contends that the instant petition is not maintainable as the petitioner, being a retired employee and recipient of full pensionary benefits, has failed to demonstrate how he is an aggrieved person within the meaning of law. He submits that Respondent No. 2 is an autonomous body, which does not receive funds from the Federal Government, and its finances are regulated under the provisions of the Karachi Port Trust Act, 1886, whereby the monies of the Board are held in trust and are to be expended for lawful purposes of the institution. Learned counsel further contends that under the relevant KPT Rules relating to pay and allowances, the Board is competent to revise and enhance salaries without seeking prior approval of the Federal Government. In this regard, he places reliance upon communications issued by the Ministry of Maritime Affairs, including letters dated 20.07.2012 and 26.07.2012, affirming the autonomous status of the Board of Trustees. He adds that such position has been acted upon in letter and spirit, and financial decisions, including BR No. 75 (Item-II) dated 16.02.2017, have been validly undertaken. According to him, the impugned revision of salaries and grant of increments falls squarely within the permissible ambit of the governing rules and does not suffer from any legal infirmity. He lastly prayed for dismissal of the petition.

¹ Impugned Resolution

² I.A Sharwani and others v. Government of Pakistan through Secretary, Finance Division, Islamabad and others (1991 SCMR 1041)

4. Learned Assistant Attorney General while referring the comments filed by Respondent No.3 submits that the impugned Board Resolution No. 462 dated 20.06.2023 was neither referred to the Finance Division nor approved by it. He contends that under Rule 12 of the Rules of Business, 1973, no order affecting the finances of the Federation can be issued without prior consultation with the Finance Division. He further submits that, in view of the relevant Office Memorandum, revision of pay and allowances of employees of Autonomous/Semi-Autonomous Bodies, particularly those following the Federal Basic Pay Scales, requires examination by the competent Standing Committee and prior approval of the Finance Division, even where operational autonomy has been granted.

5. Heard arguments of the parties and perused the material available on record.

6. At the very outset, it is to be observed that the maintainability of this petition hinges upon the petitioner's locus standi. It is an admitted position that the petitioner retired from service on 13.10.2022 after rendering 32 years of service in KPT and receiving all pensionary and retiring benefits in accordance with law. The impugned Board Resolution No. 462 dated 20.06.2023, whereby certain allowances were reviewed and sanctioned with effect from 01.01.2023, was passed subsequent to his retirement. No material has been placed before this Court to demonstrate that the said resolution in any manner affects his vested rights, pension, or any accrued service benefit.

7. So far as the contention of the petitioner that he remains emotionally attached to the institution and seeks to safeguard its financial integrity may reflect personal concern; however, constitutional jurisdiction under Article 199 of the Constitution is not invoked on sentiments or abstract notions of institutional loyalty. It is well-settled that only a person aggrieved of a decision of authority, who has suffered a legal injury or whose legal right has been adversely affected discharging functions in relation to the affairs of the Federation and Province can maintain such a petition. The petitioner, having ceased to be in service and not being affected by the impugned decision, does not fall within that category.

8. In essence, Respondent No.2/ KPT is governed by the provisions of the Karachi Port Trust Act, 1886. A plain reading of Sections 21 and 22 of the said Act makes the legal position abundantly clear which are as follows:

“21. Schedule of officers and servants, and of their pay and allowances, to be prepared and sanctioned by the Board – The Board shall from time to time prepare and sanction of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purpose of this Act. Such schedule shall also set forth amount and nature of the salaries, fees and allowances which the Board sanctions for each such officer or servant.

Provided –

(1) that artisans, porters and labourers and mukaddams of porters and labourers, persons temporarily employed in the Engineering department, and any member of the staff engaged for a period not exceeding six months whose pay is not more than rupees one hundred per mensem, shall not be deemed to be officers or servants within the meaning of this section or Section 22 clause (1) to (4) both inclusive, or of Section 23.

(2) that, if an officer is lent to the Board by (the Government of a Province of the (Federal Government) the Board shall make such contributions, if any, on account of his pension and leave allowances as may be required by the rules in this behalf from time to time in force, and shall not except with the consent of (the lending Government), dispense with his further services at any time without giving (the lending Government) six months previous notice.

22. Board to frame regulations - The Board may with the prior sanction of the (Federal Government) frame regulations-

(1) For regulating leave; for regulating the grant of leave to the officers and servants of the Board.

(2) For setting absentee allowances for authorizing the payment of allowances to the said officers and servants or to the certain of them whilst absent on leave.

(3) For fixing acting allowances for determining the remuneration to be paid to the person appointed to act for any such officers or servants during their absence on leave.

(4) For regulating length of services; for regulating the period of service of all such officers and servants.

(5) For fixing pensions etc.; for determining whether any of the said officers and servants, and, if so, which of them, shall on retirement receive pension, gratuities or compassionate allowances, and the conditions under which such pensions, gratuities or compassionate allowances shall be payable and the amount of the same.

9. From the above provisions of law, it is crystal clear that the legislature, in its wisdom, has entrusted the Board with the authority to administer its finances and to incur expenditure necessary for the functioning of the institution.

10. The finance division / Respondent No 3 in its objection to the petition has taken stance that the KPT Board passed the resolution without prior approval of the Finance Division. When confronted Learned Counsel representing Federation frankly conceded that such an objection is not substantiated by any statutory provisions that financial decisions of the KPT

were subject to the prior approval of Ministry of Finance Government of Pakistan. The objection raised on behalf of Respondent No.3 with reference to Rule 12 of the Rules of Business, 1973, pertains to consultation with the Finance Division in matters affecting the finances of the Federation. However, KPT/Respondent No.2 has categorically asserted that it does not receive budgetary support from the Federal Government and that its funds are generated and regulated under the statutory scheme of the Act of 1886. In the absence of any evidence that federal funds are implicated, the applicability of Rule 12 remains, at best, a matter of inter-departmental procedure. It is settled law that Rules of Business are primarily directory in nature and regulate the internal functioning of the executive; violation thereof does not automatically confer a cause of action upon a third party unless a specific legal right is shown to have been infringed.

12. The record further reflects that KPT/Respondent No.2 has generally exercised autonomy in matters relating to pay and allowances. Communications issued by the Ministry of Maritime Affairs, including letters dated 20.07.2012 and 26.07.2012, affirm the autonomous status of the Board of Trustees in financial matters. It has also been shown that similar financial decisions, including Board Resolution No. 75 (Item-II) dated 16.02.2017, were undertaken without prior approval of the Finance Division and were acted upon in the ordinary course of business.

13. In addition to above, no mala fide or extraneous consideration has been substantiated, which weighed before the Board to pass the impugned resolution. The petitioner's apprehension that the enhancement of allowances would cause financial strain is speculative and unsupported by any audited material. Financial policy, quantum of allowances, and internal budgetary allocations fall within the domain of the competent statutory authority. Courts exercising constitutional jurisdiction do not substitute their own economic wisdom for that of a body duly empowered under statute, unless the action is shown to be patently without jurisdiction, tainted by mala fides, or in violation of a mandatory statutory prohibition.

13. The impugned resolution, viewed in the light of Section 21 of the Act of 1886, appears to have been passed within the competence of the Board. No provision of law has been cited which expressly prohibits the Board from sanctioning or revising allowances. In the absence of such prohibition, and in the presence of an enabling statutory framework, the presumption of legality attaches to the decision of a statutory body.

14. The petitioner, having failed to demonstrate locus standi as well as any jurisdictional defect or illegality in the impugned resolution, cannot be permitted to maintain a roving inquiry into the fiscal decisions of an autonomous statutory authority. Acceptance of such a proposition would unsettle the settled principles governing judicial review and undermine institutional autonomy expressly conferred by the legislature. It is fallacy of thought to treat this Court as an appellate authority against the decisions of Executive Institutions. This Court is saddled with a responsibility to interpret the laws and to ensure the enforcement of laws in the manner provided under the statute, departure from this settled proposition may result in judicial overreach and encroachment upon the powers of executive authority.

15. The reliance placed upon case of **I.A. Sharwani** (supra) is distinguishable on facts. In that case, the petitioners were directly affected by the executive action under challenge. In the present matter, the impugned resolution neither curtails nor prejudices any enforceable right of the petitioner. The unreported judgment cited by learned counsel for the petitioner likewise turned upon its peculiar factual matrix and does not advance the petitioner's claim of standing.

16. For the foregoing reasons, this petition being not maintainable and devoid of merits was dismissed vide short order dated 11.02.2026 and these are the reasons for the same.

JUDGE

**JUDGE
HEAD OF CONST. BENCHES**

Nadir*

Approved for reporting