

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.D-1388 of 2017

Order with signature of Judge

Direction

1. For order on CMA No.21909/2019.
2. For order on CMA No.21840/2019.
3. For order on CMA No.21836/2019.
4. For order on CMA No.21838/2019.
5. For order on Nazir Report dated 05.07.2019
6. For hearing on CMA No.18406/2019.
7. For hearing on CMA No.17721/2019.
8. For hearing on CMA No.15612/2019.
9. For order on Nazir Report dated 27.05.2019.
10. For hearing on CMA No.3172/2019.
11. For hearing on CMA No.38745/2018
12. For order on CMA No.22967/2019.
13. For order on CMA No.22968/2019.
14. For order on Nazir report dated 19.08.2019.

20.08.2019

Mr. Muhammad Haseeb Jamali advocate for the petitioners.
Mr. Muhammad Arif Nisar advocate for the petitioners
Mr. Agha Zafar Ahmed advocate for PSML.
Mr. Nisar Ahmed Narejo advocate
Mr. Muhammad Sabir Khan advocate
Mr. Muhammad Aslam advocate
Mr. Noor Hussain advocate
Mr. Sanauallah Noor Ghori advocate.
Mr. Muhammad Nishat Warsi DAG along with Mr. Nadeem Ahsan, Joint Secretary, Ministry of Industries and Productions and Mr. Abdul Hadi Bullo, Joint Secretary Finance Secretary and Mr. Muhammad Ali, Assistant Legal, Ministry of Privatization, Islamabad

Present controversy relating to gratuity and provident fund is pending since last many dates and time and again we have asked respondents to suggest ways and means to supplement and cater to these legitimate demands of the petitioners but the respondent gave a deaf ear. All that was asked for was release of gratuity and provident fund, which should have been retained by Pakistan Steel Mills in a separate account. On 08.07.2019, in presence of learned Attorney General of Pakistan, it was recorded that in lieu of sale of 1500 acres of land of PSM, a sum of Rs.206 Billion approximately is available. Today, they are supposed to give details of such sale consideration, however, Mr. Muhammad Nishat Warsi learned DAG and Mr. Agha Zafar advocate for PSM both have

denied that any payment was received in this regard. So far as supplementary grant by Federal Government is concerned, they submitted that the matter was placed before Economic Coordination Committee (ECC) which is a consultative forum for matter of State's economic affairs, for providing a road map to allocate funds for its release to these applicants, however, per learned counsel ECC has out rightly rejected the request. Earlier it is claimed that there were no budgetary allocation made for the payment to these applicants.

This amount of gratuity and provident funds was managed and maintained separately in an independent account as a trust. It is claimed and replied by PSM that the said amount which was though kept under a trust with them, was borrowed as a loan for PSM consumption. This perhaps could not have been done by the management of PSM. The Chairman and delinquent officers, whosoever were responsible for such misappropriation of the amount lying in an independent account should have been taken to task and the matter be referred to NAB to investigate and probe. For the time being however we are more concerned with payment of gratuity and provident fund to these applicants who have no source of income and the payment of which is not denied. We have provided sufficient time to respondents but they failed, thus we have no alternate but to attach the assets / immovable properties of PSM and the account of the Respondent No.5 till further orders and detailed report may be submitted in this regard. Respondents however assured that they would take immediate steps to resolve the controversy.

Insofar as the amount lying with the Nazir of this Court as gratuity and provident fund is concerned, it may be released to the applicants after proper verification and identification in terms of the report available on record.

To come up on 26.09.2019.

JUDGE