

*Order Sheet*  
**IN THE HIGH COURT OF SINDH KARACHI**  
**Constitutional Petition No. D –1116 of 2015**

Before:

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Muhammad Yaseen

*Versus*

Federation of Pakistan and 02 others

For hearing of CMA No.6596/2020 (Contempt) :

Date of hearing & order : 02.12.2020

Ali Assadullah Bullo, advocate for the petitioner.

Mr. Asim Iqbal and Mr. Farmanullah, advocates for respondents 2 and 3 along with alleged contemnors viz Muhammad Amin Rajput, Acting Managing Director SSGC and Asad Saeed Khan, Senior General Manager (HR) SSGC.

Mr. Muhammad Nishat Warsi, DAG.

**ORDER**

**ADNAN-UL-KARIM MEMON, J.** Through listed application, the petitioner has prayed that contempt of Court proceedings may be initiated against the alleged contemnors for willful defiance of the judgment 23.05.2018.

2. The instant petition was disposed of by this Court vide order dated 23.05.2018 with the following observations:-

*“31. Keeping in view the foregoing, the petitions are disposed of in the terms whereby Chief Executive Officer of Respondent-Company / Respondent No.2 is directed to consider the case of the petitioners for regularization of their service without discrimination, in accordance with law and the dicta laid down by Hon’ble Supreme Court of Pakistan in the cases referred to hereinabove within a period of two months from the date of receipt of this judgment. The listed application(s) also stand disposed of accordingly.”*

3. Compliance report submitted by the alleged contemnors has been objected to by the applicant on the ground that his services have been regularized with effect from the date of filing of the instant petition, but with lower grade instead of the grade in which he was serving and his basic salary in that grade has not yet been fixed, however, he has been treated as fresh employee, which is against the essence of the judgment passed by the Honorable Supreme Court passed in the case of Messrs. State Oil Company Limited vs. Bakht Siddique and

others **2018 SCMR 1181**. He prayed for drastic action against the alleged contemnors.

4. We have heard the learned counsel for the parties on the listed application viz. CMA No.6596/2020 and perused the compliance report available on record.

5. Primarily substantial compliance of the judgment passed by the Honorable Supreme Court as well as this Court has been made. Now the only issue remains to be resolved as to whether the respondent-company is under obligation to regularize him on the same grade as he was serving on his post. *Prima-facie*, the question of downgrading the petitioner in the regularization process cannot be decided in contempt proceedings, which is a separate cause of action and it is for the petitioner to avail his remedy as provided under the law against the purported action on the part of respondent-company, if any.

6. In view of the above the listed application stands disposed of in the above terms.

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