

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.D-140 of 2021

Order with signature of Judge(s)

Priority

1. For hearing of Misc. No.327/2021.
2. For hearing of main case.

02.02.2021

Mr. G.N Qureshi, advocate for the petitioners.

It is, *inter-alia*, contended by the learned Counsel for the petitioners that the impugned retrenchment letters issued by the Pakistan Steel Mills Corporation (PSMC) are illegal, arbitrary, unlawful, malafide, capricious, and incomplete contraventions of the fundamental rights of the petitioners as enshrined in the Constitution and sheer violation of Section 24A of the General Clauses Act, hence void-ab-initio. Learned counsel asserted that the malafide intention of the management of PSMC is apparent on the face of record as they intend to privatize the PSMC to accommodate the third party which is not in picture on the meager amount for which they have conspired, firstly to retrench the PSMC workers/officers and to initiate further proceedings in this regard. He emphasized that the Cabinet Committee on privatization is not competent to deal with the issue of privatization of the National Institute like PSMC, which is on the verge of collapse due to anarchy of the Federal Government and their allied beneficiaries. Learned counsel cited Article 10A of the Constitution and argued that the petitioners have been condemned unheard while issuing impugned retrenchment letters dated 27.11.2020 in violation of the law laid down by the superior Courts of this country. Learned counsel added that in the instant thwarting emergency of pandemic COVID-19 the petitioners have been deprived of their services, their livelihood and in a situation of chaos whereby not a single citizen of this country feels safe and secure, the respondents have put to the petitioners in a state of nowhere. In support of his contention, he relied upon the decision of learned Islamabad High Court passed in Writ Petition No.1870/2020 whereby notification dated 25.4.2019 appointing the Chairman and members of the Committee of the cabinet on privatization is no longer in the field, therefore, this petition may be heard and decided on merits to secure the ends of justice by suspending the operation of purported retrenchment letters as discussed supra.

During the course of arguments, learned counsel for the petitioners has informed that the issue of retrenchment of the employees of PSMC is not subjudice before the Hon'ble Supreme Court of Pakistan.

To appreciate whether the respondents have acted under the law while issuing retrenchment letters to the petitioners; and/or under the policy decision and whether the petitioners have an adequate and efficacious remedy available to them under the labour law or otherwise. Subject to the maintainability of the instant petition, issue notice to the respondents as well as to learned DAG for a date to be fixed by the office in the third week of this month.