

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
 Suit No.514 of 2019

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on CMA No.4268/19 (if granted)
2. For orders on CMA No.4269/19 (U/O 39 Rule 1 & 2 CPC)

18.03.2019.

Mr. Muhammad Ali Lakhani along with Mr. Mujtaba Sohail Raja,
 Advocates for Plaintiffs.

1. Granted.
2. This is a Suit for declaration and injunction. Learned Counsel for the Plaintiffs submits that Plaintiff No.1 is a recognized Collective Bargaining Representative and Association of the Cockpit Crew of the Defendant i.e. PIA; whereas, the Plaintiffs No.2 & 3 are elected representatives of Plaintiff No.1 and so also employees of PIA. He submits that the relations of Plaintiff No.1 as well as the employees are governed with PIA on the basis of a Working Agreement, lastly concluded in 2011. According to him Clause 4.7 of the said Agreement deals with the training and deputation of instructors; whereas, Clause 5.5.6 outlines as to how contract/expatriate Pilots are to be employed by the PIA. He has then referred to Personnel Policies Manual, Chapter-34.12.04 (a), (c) & (d) and submits that these are the requisite qualifications, without fulfillment of which, no Pilot can be re-employed after retirement. He has specifically read out these sub-clauses and submits that in terms of sub clause (d) such re-employment beyond the age of superannuation in all cases requires approval of the Prime Minister. Per learned Counsel

recently PIA has started inducting contract pilots / employees, who are then posted as Instructors to train the Pilots, and these appointments are being made in violation of the Working Agreement as well as Manual as above. According to him by such conduct, the promotions of the regular Pilots has stopped, whereas, it is the case of Plaintiff No.1 that such appointments are being made in violation of the Working Agreement reached with them. Learned Counsel has also referred to the case of **Zafar Iqbal Jhagra and another v. Federation of Pakistan and others (2013 SCMR 352)** and submits that the Hon'ble Supreme Court has also deprecated such method of appointment of contract employees and has also directed PIA to ensure that in future no such appointments are made.

Let notice be issued to the Defendants for 08.04.2019. Till the next date of hearing, PIA shall only appoint contract Pilots in line with the Working Agreement and upon fulfillment of Chapter 34.12.04 of the Personnel Policies Manual.

J U D G E

Ayaz P.S.