

IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No.D-6311 of 2020

Shaikh Nusrat & others

Petitioners: Through Mr. Muhammad Ramzan, advocate

Respondents:

Date of hearing

& Decision: 27.01.2023.

ORDER

ADNAN-UL-KARIM MEMON, J. – Through the captioned petition, the petitioners have prayed for payment of the differential amount of arrears in respect of gratuity /dues leave encashment and other allowances/dues/financial benefits as per CBA agreement 2010, inter-alia on the ground that the retired employees are entitled to incentive promotion policy who completed their five years in successive groups and retired the after will be promoted to the next group one day before retirement and all benefits will be paid in next pay scale in terms of the charter of demand 2009.

2. Mr. Muhammad Ramzan learned counsel for the petitioners has submitted that petitioners have been paid all dues including provident fund, gratuity, and other dues but the differential amount is yet to be paid, which is their right.

3. We have heard the learned counsel for the petitioner on the maintainability of the instant petition and perused the record.

4. Petitioners are retired employees of Pakistan Steel Mills ('PSM') and they approached this court with the above narration. As per the profile of PSM, it is a State Enterprise, however, Steel Mills is shut since June 2015 but its retired employees are still claiming all sorts of benefits including differential amounts and other ancillary allowances, perks, and privileges.

5. We have been informed that PSM, has suffered a financial loss of over Rs. 100 Billion with overall liabilities of more than Rs. 110 Billion, and on the contrary petitioners being retired officers of PSM are claiming financial benefits through this petition, which is not conducive at this juncture to direct PSM to grant such financial relief to the petitioners for the reasons discussed supra.

6. In view of the above reasoning, the relief so sought by the petitioners cannot be granted, therefore this petition being not maintainable against the claim of the differential amount and other ancillary allowance, perks, and privileges is dismissed in limini together with the pending application(s).

JUDGE

JUDGE

Nadir*