

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-2394 of 2018

(*Altaf Hussain Butt v. FBR & Others*)

DATE: **ORDER WITH SIGNATURE(s) OF JUDGE(s)**

For Orders as to Maintainability of Petition

22-5-2025

Mr. Anwar Hussain, Advocate for Petitioner
Mr. Faisal Mehmood Ghani, Advocate for Respondents No.4 to 6

Sana Akram Minhas J: The Petitioner, who ceased to be an employee of the Respondent No.4 viz. GlaxoSmithKline Pakistan Ltd. ("**GSK**") in the year 2010 (**Court File Pg. 61, Annex H**) has, inter alia, challenged the purported "*abolition, dissolution, or winding up*" of the "Pension Fund Trust" through a "*Supplemental Trust Deed*" dated 6.12.2007 (**Court File Pg. 35, Annex D-1**) executed by the Respondents No.4 to 6, alleging the same to be unlawful. He also seeks a declaration that his signature on the document dated 25.3.2008 (**Court File Pg. 49, Annex F-1**) – executed 10 years prior to the institution of this Petition on 24.3.2018 – and obtained by the GSK Senior Staff Pension Fund (Respondent No.5), was procured without his free consent and under coercion.

It is pertinent to note that GSK is a public limited company incorporated under the relevant company laws and, as such, is not amenable to the constitutional jurisdiction of this Court under Article 199 of the *Constitution of Pakistan, 1973*, since it does not fall within the definition of a "*person*" as contemplated in Article 199(5) thereof. Furthermore, the question of whether the Petitioner's signature on the aforesaid document dated 25.3.2008 was obtained through coercion or without free consent involves disputed questions of fact and requires recording of evidence, which cannot be undertaken in the exercise of writ jurisdiction under Article 199 of the Constitution.

In addition, learned Counsel for Respondents No.4 to 6 has referred to a "*Declaration*" dated 27.3.2008 (**Court File Pg. 111, Annex R-5 of Objections filed by Respondents No.4 to 6**), whereby the Petitioner allegedly opted for a lump sum payment along with enhanced gratuity in lieu of continued membership of the Pension Fund, and also discharged the Trust and GSK Company from all further pension liabilities. The validity and enforceability of this Declaration likewise involve contested factual issues that fall outside the scope of constitutional proceedings.

In view of the foregoing, the instant Petition does not meet the threshold for the exercise of writ jurisdiction and is accordingly **dismissed**.

JUDGE

JUDGE