

IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No.D-3683 of 2016

[Prof. Dr. Rana Hadi & others versus Province of Sindh and others]

Before:

Justice Muhammad Karim Khan Agha

Justice Adnan-ul-Karim Memon

Date of hearing & Judgment: 16.10.2025

Dr. Raana Khan advocate for the petitioners / applicants.

M/s. Zeeshan Abdullah and Salim Salam Ansari advocate for Contemnors No. 1 and 2.

Mr. Malik Altaf Jawed advocate for Contemnor No.3

ORDER

Muhammad Karim Khan Agha, J. The captioned petitions were disposed of vide order dated 23.08.2021. The respondents submitted that the notification dated 26.05.2016 and letter dated 28.05.2016 would not be acted upon and shall be treated as non-existent in the listed matters. With respect to salary revision, prayer clause No. 4, the respondents undertook to consider the petitioners' salaries at par with other professors in accordance with the University Service Rules, taking into account new recruitment and existing privileges. Regarding the Ph.D. allowance, Prayer clause No. 5, the respondents agreed to review the HEC policy and grant the allowance as per HEC standards to all professors, further assuring that no discrimination would be made against the petitioners for filing the petition. This Court expressed its expectation that the University would treat the petitioner professors with due respect and that the professors would perform their duties diligently. As for promotions, any representation submitted by the petitioners was directed to be heard and decided within one month. Consequently, CP No.D-3683/2016 and CP No.D-494/2017 were disposed of in light of the undertakings made by the respondents.

2. The learned counsel for the applicants, submitted that despite clear directions contained in the order dated 23.08.2021, the alleged contemnors have failed to comply with the same. She referred to the statement filed on behalf of the Vice Chancellor along with Cheque No. 00000175 amounting to Rs. 2,520,083/- issued in favour of Prof. Dr. Rana Hadi, contending that the said amount neither fulfills the requirements of the Court's order nor covers the petitioner's retirement benefits, and was accepted under protest. Learned counsel further submitted that Petitioners No. 1 and 2 have since retired; however, the contemnors, with willful and mala fide intent, have failed to extend their salaries and benefits in compliance with the order dated 23.08.2021. She argued that the contemnors are deliberately avoiding implementation, as any enhancement in salary would proportionally increase the petitioners' retirement benefits. Despite the Court's

direction granting one month for compliance, the contemnors have habitually defied the orders of this Hon'ble Court and failed to revise the petitioners' salaries as directed, i.e., to bring them at par with professors of other universities. She added that the petitioners, who have been serving since 199/1992 and were promoted as Professors in 2011, are still drawing meager salaries between Rs. 66,000/- and Rs. 95,000/-, whereas other professors in similar or even junior positions are drawing salaries ranging from Rs. 175,000/- to Rs. 500,000/-. As per HEC Notification dated 30.09.2021, the prescribed salary for Professors is Rs. 684,450/-, yet the respondents have neither revised the petitioners' salaries nor paid arrears since 2011. Learned counsel also pointed out that the contemnors have not implemented the Court's direction to enhance the Ph.D. allowance from Rs. 7,000/- to Rs. 15,000/- in accordance with HEC policy, despite repeated representations by the petitioners. Furthermore, no promotions have been granted since 2011. Petitioner No.1, being the senior-most faculty member in the Zoology Department, has been unjustly overlooked for the position of Dean, which was instead granted to her junior, Dr. Narmeen Zakariya Bawani. Similarly, Petitioner No.2 has been denied the position of Dean in the Education Department, which was held by a retired deputationist. It was further contended that the University, with an annual income exceeding one billion rupees and a student strength of over 3,000, is financially capable of implementing the Court's directives. However, it is presently being managed as a family trust under the control of the Chancellor Contemnor No.1 and his relatives, contrary to the University Code and Trust regulations, with financial benefits being confined to family members rather than employees. In view of the foregoing, she prayed that this Court may be pleased to initiate contempt proceedings against the contemnors for their willful defiance of the judgment dated 23.08.2021 and direct the contemnors to comply with the said judgment in letter and spirit.

3. At this stage, the counsel for the alleged contemnors attempted to reinterpret the order dated 23.08.2021, which had already been clarified by the subsequent order dated 24.02.2022 and directed to comply with the Court's orders and their own undertakings in true letter and spirit. Learned counsel pointed out that this Court, vide order dated 23.08.2021, disposed of the petition in view of the undertaking made by the learned counsel for the respondents. He added that this Court directed that the petitioners' salaries be considered at par with other professors within the University Service Rules while considering new recruitment and their existing privileges. However, no new recruitment of Professors has taken place in the petitioners' faculties since 23.08.2021. He submitted that so far as petitioner No.1 is concerned her salary was periodically increased; in May 2024, her gross salary was Rs. 257,552/-, and in June 2024, Rs. 153,236/-. She retired upon attaining the age of 60 years, and her retirement dues amounting to

Rs. 2,520,083/- were paid through cheque No. 00000175 dated 27.06.2024 (acknowledged in Court). However, petitioner No.2, retired in September 2021; all dues were paid. And the petitioner No.3's Salary was increased from time to time; as of June 2024, her gross salary was Rs. 133,267/-. He argued that petitioners No.1 and 3 have been receiving salaries equal to or higher than other professors in their departments. So far as the Ph.D. Allowance is concerned he submitted that pursuant to the 35th Finance Committee Meeting held on 30.07.2022, the University revised the Ph.D. allowance from Rs. 7,000/- to Rs. 10,000/-, notified on 06.10.2022, in line with the Federal Government's O.M. dated 07.07.2015. Differential payments for the intervening period were made to Petitioners No.1 and 3 (Rs. 36,000/- each) and to Petitioner No.2 (Rs. 3,000/-). On the issue of promotion he argued that as per the University Code, the highest teaching cadre is Professor; hence, no further promotion is available. All three petitioners were already serving as Professors, the topmost rank and were accordingly heard. The counsel for the alleged contemnors submit that the statements made by the petitioners in paragraph 9 of CMA No.27633/2023 regarding other employees' salaries are incorrect and exaggerated. Correct figures are already on record through the report dated 24.03.2022 filed in CMA No.26625/2021. He lastly submitted that the order dated 23.08.2021 has been fully complied with in letter and spirit. The alleged contemnors reiterate their utmost respect for this Court and prayed to dismiss the contempt application(s) accordingly.

4. We have heard the learned counsel for the parties on the listed application(s) and perused the original order and subsequent compliance report.

5. This Court had directed that the petitioners' salaries be considered at par with other professors under the University Service Rules, taking into account new recruitment and existing privileges. We have been informed that no new recruitment occurred, however, the respondents increased the petitioners' salaries periodically, as reflected in the salary slips: further, Petitioner No.1 received gross salaries of Rs. 257,552/- in May 2024 and Rs. 153,236/- in June 2024, with retirement dues of Rs. 2,520,083/- paid through cheque No. 00000175 dated 27.06.2024; Petitioner No.2 retired in September 2021 with all dues paid; and Petitioner No.3's gross salary as of June 2024 was Rs. 133,267/-. The University also revised the Ph.D. allowance from Rs. 7,000/- to Rs. 10,000/- following the 35th Finance Committee Meeting held on 30.07.2022 notified 06.10.2022 in line with the Federal Government O.M. dated 07.07.2015, and differential payments were made to Petitioners No.1 and 3, Rs. 36,000/- each and Petitioner No.2, Rs. 3,000/-. Regarding promotions, all three petitioners already hold the highest teaching cadre of Professor, and no further promotion is possible as per rules of the university. On the issue of contempt, in the case of *Federation of Pakistan v.*

Aitzaz Ahsan (PLD 1989 SC 61), the Supreme Court held that “to constitute contempt, disobedience must be willful and deliberate; where compliance is shown or bona fide steps are taken, contempt is not made out.” Similarly, in Khalid Iqbal v. Mirza Khan & others (2011 SCMR 713), it was observed that “where the alleged contemnor demonstrates substantial compliance or acts in good faith, contempt proceedings are not warranted.” In Shakil Ahmad v. State (2017 SCMR 66), the Court reiterated that “the contempt jurisdiction is penal in nature and is to be invoked only where there is clear, intentional, and contumacious disobedience of a court’s order.” Furthermore, in Mst. Kaneez Fatima v. Wali Muhammad (PLD 1993 SC 901), it was emphasized that “once compliance has been made or the order has become infructuous due to passage of time or changed circumstances, contempt proceedings lose their purpose.” If this is the position of the case coupled with compliance report, prima-facie, the order dated 23.08.2021 has been substantially complied with, as such no further action is required. However, if there remain other issues the petitioners, if advised to claim such amount through the Court of plenary jurisdiction as the disputed amount cannot be claimed or enforced through contempt proceedings.

6. In the present case, since Petitioner No.1 and Petitioner No.2 have already retired and received their full service and retirement benefits without any protest, as stated by the alleged contemnors, in such circumstances, no case of willful disobedience survives against the respondents with respect to these petitioners. As for Petitioner No.3, the respondents have submitted a detailed compliance report supported by documentary evidence, demonstrating that the directions contained in the order dated 23.08.2021, as well as the subsequent order dated 01.02.2024 passed by the Supreme Court, have been duly implemented in letter and spirit. The petitioners have failed to establish any element of willful or deliberate disobedience on the part of the respondents so as to attract contempt within the meaning of Article 204 of the Constitution of Pakistan, 1973, read with the Contempt of Court Ordinance, 2003. Accordingly, the contempt application along with pending applications are dismissed, having no merit.

HEAD OF CONST. BENCHES

JUDGE

SHAHZAD SOOMRO