

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**C.P. No.D-5118 of 2020**

*(Sultan Ahmed Hussain v Federal Ministry of Information and Broadcast PTV & others)*

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**Order with signature of Judge**

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Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Zulfiqar Ali Sangi

Date of hearing in order:-27.01.2026

Petitioner Sultan Ahmed Khan in person.  
Mr. Mudasir Iqbal, Advocate for Respondents/PTV.  
Ms. Mahreen Ibrahim, Deputy Attorney General.

**ORDER**

***Zulfiqar Ali Sangi J.***- Through the instant constitutional petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has asserted that he remained in the service of Pakistan Television Corporation (PTV) and, during the subsistence of his service, was unlawfully deprived of his rightful promotions and other service-related benefits with mala fide intent. It is further averred that even after attaining the age of superannuation, the petitioner was denied his lawful pensionary and retirement benefits, thereby compelling him to invoke the constitutional jurisdiction of this Court.

2. Upon issuance of notices, respondent Nos.2 and 3 submitted their comments, wherein the allegations of mala fide, harassment, and unlawful deprivation were categorically controverted. However, it was conceded that there had been some delay in the disbursement of the petitioner's pensionary benefits on account of financial constraints faced by the department. It was further contended that the petitioner was considered for promotion on several occasions, but due to adverse remarks, unsatisfactory performance, and unfavorable Annual Confidential Reports (ACRs), the Departmental Promotion Committee (DPC) did not recommend his case. It was also emphasized that the petitioner never assailed the decisions of the DPC during his service tenure. According to the respondents, a claim for promotion after retirement is not legally sustainable.

3. During the pendency of the petition, vide order dated 10.12.2020, respondent Nos.2 and 3 were directed to deposit the admitted amount of Rs.4,845,236/- with the Nazir of this Court. The said order was assailed before the Honourable Supreme Court through Civil Petition No.1439 of 2021, which was dismissed vide order dated 15.10.2021. Thereafter, the order was duly complied with and, upon verification, the deposited amount was released to the petitioner by the Nazir of this Court. It was further asserted by the respondents that, after payment of the said amount and adjustment of all outstanding loans obtained by the petitioner, no dues remained outstanding against the

department. The petitioner also claimed damages on account of alleged mala fide actions, harassment, and mental agony caused by the respondents, which assertions were vehemently denied in the comments.

4. We have heard the petitioner in person, learned counsel for the respondents, as well as the learned Deputy Attorney General, and have perused the available record with their assistance.

5. From the material placed on record, it is manifest that the admitted pensionary and retirement dues of the petitioner have already been paid in compliance with the directions of this Court. The petitioner has failed to place on record any documentary material to establish that any further amount is legally due and payable by the respondents. The settled law is that pension is a vested right of a retired employee and cannot be withheld arbitrarily. The pensionary benefits constitute a constitutional and statutory right and that any delay or denial thereof must be justified strictly in accordance with law. In the present case, since the admitted amount has already been paid, no further constitutional direction is warranted.

6. Insofar as the grievance relating to promotion is concerned, it is well settled that promotion is not an automatic or vested right; rather, it is contingent upon eligibility, seniority, performance, and recommendation by the competent forum. The courts cannot sit in appeal over the decisions of Departmental Promotion Committees unless mala fide, arbitrariness, or violation of law is established. Moreover, failure to challenge non-promotion during the service period amounts to acquiescence, and a claim for promotion after retirement is not legally maintainable.

7. With regard to the claim of damages on account of alleged mala fide, harassment, and mental agony, it is a settled principle that such allegations give rise to disputed questions of fact requiring recording of evidence. In the case of *Mst. Kaniz Fatima through legal heirs v. Muhammad Salim and 27 others (2001 SCMR 1493)*, the Honourable Supreme Court has held as under:-

“Even otherwise such controversial questions could not be decided by High Court in exercise of powers as conferred upon it under Article 199 of the Constitution of Islamic Republic of Pakistan”.

8. Similarly, in *Anjuman Fruit Arhtian and others v. Deputy Commissioner, Faisalabad and others (2011 SCMR 279)*, it was held as under:-

“The upshot of the above discussion is that learned single judge in chambers has rightly declined to exercise his constitutional jurisdiction in view of various controversial questions of law and facts which can only be resolved on the basis of evidence which cannot be recorded in exercise of constitutional jurisdiction. The petition being devoid of merit is dismissed and leave refused”.

9. It is observed that if the petitioner is aggrieved by any alleged wrongful deduction or adjustment of amounts, such controversy also involves factual determination and reconciliation of accounts, which cannot be resolved in constitutional proceedings. The appropriate remedy in such circumstances lies before the competent civil court.

10. In view of the foregoing discussion, it is evident that the admitted pensionary amount has already been paid to the petitioner; the claim for promotion after retirement is legally untenable when petitioner remained before the respondents and just upon receiving the claim the same shall be entertained as per law and decision shall be made within reasonable time; and the allegations of mala fide, harassment, and damages involve disputed questions of fact which cannot be adjudicated in constitutional jurisdiction. Consequently, the petition is disposed of with the observation that, if the petitioner is aggrieved by any alleged unlawful deduction or adjustment, or seeks damages on account of alleged mala fide or harassment, he may avail the appropriate remedy before the competent authority of the respondents, at the first instance with regard to all his dues, so far remaining dues are concerned, the petitioner shall agitate his claim also, which shall decide the matter independently in accordance with law.

11. Petition disposed of in the above terms.

JUDGE

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