ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-1861 of 2024
(Mirza Mansoor Javed & others versus Federation of Pakistan & others)

Constitutional Petition No. D-5849 of 2025
(Abdul Hameed & others versus Federation of Pakistan & others)

Date	Order with signature of Judge

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 06.10.2026

Mr. Ali Asadullah Bullo, Advocate for the petitioners
Mr. Faisal Siddiqui, Advocate for respondents No.2, 4 and 5 in CP No. D-1861/2024 along with
Mr. Manzoor-ul-Haq, Assistant Legal Advisor, State Bank of Pakistan
M/s Syed Mustafa Ali and Muhammad Ali Akhtar, advocates for respondent No.3 in CP Nos.D-5849/2025 and 1861/2024
Ms. Wajiha Mehdi, Assistant Attorney General

ORDER

Adnan-ul-Karim Memon, J. The Petitioners filed the captioned petitions under Article 199 of the Constitution, challenging the decisions dated 31.05.2022 and 23.06.2023 as illegal and violative of the State Bank of Pakistan Banking Services Corporation Ordinance, 2001, and seeking their setting aside, along with a direction to release the differential 20% compensation benefits in their pension w.e.f. 01.07.2013 with consequential benefits. An excerpt of the decisions is reproduced as under: -

Decision dated 31.05.2022

".....1. All the Petitioners were intimated regarding todays' hearing via courier but only some appeared/joined as stated below.

2. After hearing Petitioner namely Mirza Mansoor Javaid, who represented the other Petitioners present before the Board i.e., Muhammad Yousaf Kalhoro, Masood Alam Khan and Muhammad Ashraf and Petitioners Talha Rafiq son of Late Petitioner Rafiq Ahmed, Muhammad Salim, Farkhanda Shahnaz widow of Petitioner Abdul Sattar Niazi (all via video link), it was unanimously decided for reasons to be recorded later that the complaint/representation of the Petitioners is hereby dismissed."

Decision dated 23.06.2023

*"**Decision**:*

In compliance with the Sindh High Court Order dated September 30, 2021, February 28, 2022 and May 16, 2022, SBP BSC Board heard the grievances of Petitioners in C.P. NO. D-5633, 6075, 6759, 6760 of 2014 and 2373 of 2015. Based on the hearing, the Board has decided to decline the Petitioners' request based on the following reasons:

i. The Petitioners' claim that the Bank has violated Section 16(3) of SBP BSC Ordinance 2001 is not valid. Section 16(3) merely protected the existing terms and conditions of service and the benefits to which the Transferred Employees were entitled to in the State Bank at the time of the transfer. The protection of terms and conditions of Petitioners does not include decision on future salary increases and annual merit increases. For this purpose, BSC Board of Directors was empowered to determine and prescribe from time to time the salary, benefits and other facilities for the employees of the Bank under Regulation 6(ii) of BSC Staff Regulations pursuant to Section 15(2) of SBP BSC Ordinance 2001. It is an incontrovertible fact that SBP and BSC are two separate legal entities. As noted above, the dispensation in Section 16(3) of the SBP BSC Ordinance 2001 was time bound; it applied only at the time of transfer of the Petitioners from SBP to BSC and hence cannot be claimed in perpetuity. Further, under Section 16(2) of SBP BSC Ordinance 2001 the Petitioners are not entitled to any compensation upon their transfer to the BSC from SBP.

ii. The Petitioners' assertion that they were discriminated against OG-2 Officers in NCPFS scheme at BSC is also not valid because officers under OMS and NCPFS are two different classes of employees as they are governed by different sets of terms and conditions of their employment by virtue of different sets of retirement benefits schemes. Owing to the reasonable classification of OG-2 officers in both schemes, Article 25 of the Constitution was not violated by BSC as claimed by the Petitioners.

iii. The above are the reasons for the short order passed by the Board on May 31, 2022.

3.2.15 The Board passed the following resolution:

Resolved:

That the proposal contained in Para 18 of the Managing Director's Memorandum No. 12/2022 dated May 28, 2022 be and is hereby approved.

4.	***Any other item(s)***

4.1 There being no other item on the agenda, the meeting ended with a vote of thanks to the Chair."

2. The case of the Petitioners is that they were appointed in the State Bank of Pakistan (SBP) between 1980 and 1986 and, after confirmation, served for more than two decades before being transferred, without consent, to SBP Banking Services Corporation (BSC), a subsidiary established under the SBP Banking Services Corporation Ordinance, 2001, and subsequently retired from their respective services; however, they asserted that their existing terms and conditions of service and benefits in the transferred department were protected under Section 16(3) of the Ordinance unless altered with their consent. The Petitioners were promoted from time to time and were serving as OG-2 officers as on 01.07.2013. The Central Board of Directors of SBP/BSC approved a revised Compensation and Benefits Structure with effect from 01.07.2013, pursuant to which SBP officers, including OG-2 officers, were granted a 35% salary increase. However, under Circular No. PMD-ODD-112/10/2014 dated 05.05.2014, OG-2 officers of BSC appointed before 01.07.2010 were granted only a 15% increase, whereas those appointed on or after 01.07.2010 received 35%. The Petitioners averred that this distinction was/is discriminatory, arbitrary and violative of Article 25 of the Constitution, as the officers belonged to the same grade and were similarly placed. The Petitioners raised their grievance before the

Governor/Chairman SBP on 27.05.2014, but their claim was rejected on the ground that, according to the survey methodology, the salaries of old employees were already above the desired percentile. The Petitioners maintain that old and new OG-2 officers were appointed on substantially the same terms and conditions and that the differential increase had no lawful basis. A similar grievance was earlier agitated in Constitution Petition No.5633/2014, before this court wherein, vide order dated 30.09.2021, the Board of Directors was directed to examine and decide the grievance of the employees regarding their protected terms and benefits. It is urged that despite prolonged proceedings and contempt proceedings, the Respondents ultimately passed the impugned decision, which, according to the Petitioners, again misinterpreted Section 16(3) of the SBP Banking Services Corporation Ordinance, 2001. The Petitioners therefore challenge the impugned decision through the instant petition, seeking enforcement of their protected service benefits and equal treatment in accordance with law and Article 25 of the Constitution. For convenience's sake, an excerpt of Section 16(3) of the SBP Banking Services Corporation Ordinance, 2001 is reproduced as under:_

> *"16.* ***Employees transferred to the Bank****.- (l) The Transfer Order shall specify by category or by name the employees of the State Bank who shall, as from the Transfer Date, stand transferred to, and become the employees of, the Bank by virtue of the Transfer Order.*
>
> *(3) The existing terms and conditions of service and the benefits- to which the Transferred Employees are entitled to in the State Bank, including pension, gratuity, provident and benevolent funds benefits and benefits of the existing staff regulations shall be assured to the Transferred Employees upon their transfer to the Bank except where altered with the consent of the Transferred Employees."*

3. Counsel for the Petitioners submitted that the Respondents, while deciding the Petitioners' claim for financial/compensation benefits, failed to properly appreciate Section 16 of the SBP Banking Services Corporation Ordinance, 2001 and unlawfully denied them benefits already extended to similarly placed employees. He contended that the impugned decision dated 31.05.2022 was also coram non judice, as the Member/ Secretary Finance was not present in the Board meeting when the decision was taken, and that the Petitioners' subsequent review was rejected vide letter dated 23.06.2023. Learned counsel argued that the Petitioners, being similarly placed O.G.-2 officers, could not be discriminated against merely because they were appointed before July 2010, whereas similarly placed O.G.-2 officers of SBP and SBP-BSC, including those transferred on deputation after promulgation of the 2001 Ordinance, were granted the 35% increase in salary. Relying upon Article 25 of the Constitution and the judgments reported as 2013 SCMR 1687, 1995 SCMR 650, 2005 SCMR 25, 1990 SCMR 999 and 2001 SCMR 256, he submitted that there was no reasonable classification

or rational basis for denying the Petitioners the same benefit and that the Respondents' exercise of discretion was arbitrary, discriminatory and contrary to the principles of fairness and equality. He therefore prayed that the impugned decisions dated 31.05.2022 and 23.06.2023 be set aside and the Respondents be directed to pay the differential 20% compensation benefit from 01.07.2013 with all consequential benefits.

4. Learned counsel for the State Bank of Pakistan (SBP) submits that these petitions are not maintainable against SBP, which is an autonomous entity empowered under Section 54 of the State Bank of Pakistan Act, 1956 to frame its own regulations, without involvement of the Federal Government. He contends that the fixation of 01.07.2010 as the cut-off date for the revised benefit structure does not, by itself, constitute discrimination, particularly when the petitioners have failed to show that the cut-off date is arbitrary, irrational or mala fide. Learned counsel further submits that SBP and SBP Banking Services Corporation (SBP-BSC) are distinct juristic entities under the SBP-BSC Ordinance, 2001, having separate management, service rules and terms and conditions; therefore, benefits extended to SBP employees cannot automatically be claimed by employees of SBP-BSC. He argues that Section 16(3) of the Ordinance merely protects the existing terms and conditions of transferred employees as they stood on the date of transfer and does not confer a right to future benefits subsequently introduced by SBP. It is further contended that the petitioners had already agitated the same grievance in C.P. No. D-5633 of 2014, which was disposed of through consent order dated 30.09.2021, followed by dismissal of their representation and review application; hence, they are estopped from reopening the same controversy again in the form of present petitions. Learned counsel also disputes the allegations regarding constitution of the SBP-BSC Board, submitting that the requisite quorum was complete and, in any event, Section 7(5) validates the acts of the Board notwithstanding any vacancy or defect in its composition. Lastly, learned counsel submits that the petitioners' claim of discrimination is misconceived, as employees under the OMS are already receiving higher monetary benefits together with additional pensionary and medical benefits, and there exists an intelligible differentia between employees of SBP and SBP-BSC. He, therefore, prays that the petitions be dismissed with costs.

5. Learned counsel for Respondent No.3/SBP Banking Services Corporation (SBP-BSC) submits that the instant petition is not maintainable as SBP Banking Services Corporation (SBP-BSC) is a distinct statutory entity governed by its own service regulations, and the Petitioners' grievance cannot be agitated in constitutional jurisdiction under Article 199 of the Constitution. He further submits that the petition suffers from laches, suppression of material facts and involves disputed questions of fact. It is contended that the Petitioners had earlier

raised the same grievance in C.P. No.D-5633/2014, which was disposed of on 30.09.2021 with their consent by converting the grievance into a representation to the Board of Directors of SBP-BSC. The Board, after affording them an opportunity of hearing, passed a speaking decision dated 31.05.2022 rejecting their claim; hence, the Petitioners, having availed the remedy of their own choice, are estopped from re-agitating the same controversy. On merits, learned counsel submits that under Sections 15 and 16 of the SBP Banking Services Corporation Ordinance, 2001, the Petitioners stood transferred from SBP to SBP-BSC and thereafter became employees of SBP-BSC, governed by its own Board, regulations and policies which are non-statutory and cannot be enforced under Article 199 of the Constitution. He emphasized that Section 16 merely protected their existing terms and accrued benefits, including pension, gratuity, provident and benevolent fund benefits, as they stood on the date of transfer; it does not confer any perpetual right to parity with employees of SBP or guarantee identical future salary increases. He submitted that the Board of Directors of SBP-BSC is competent to determine and revise remuneration, benefits and service conditions under the applicable Staff Regulations. It is further submitted that the distinction between employees governed by the Old Monetized Salary (OMS) structure and those appointed on or after 01.07.2010 under the New Compensation and Benefits Structure (NCBS) is based on reasonable and intelligible criteria. He added that OMS employees, including the Petitioners, enjoy pension linked to last drawn salary and substantial post-retirement medical and other benefits, whereas NCBS employees receive higher immediate cash compensation but do not enjoy the same retirement benefits. He again emphasized that pursuant to a market survey, it was found that OMS employees were already above the targeted market percentile, whereas NCBS employees were substantially below it. Consequently, the Board granted 35% increase to eligible NCBS OG-2 officers and 15% increase to OMS officers. The differentiation was therefore based on market positioning, distinct service and retirement benefits, actuarial impact and long-term financial liabilities, and was not discriminatory. Learned counsel further submits that the Petitioners' own salary record demonstrates that they were continuously granted substantial increments and revisions; in the case of one of the Petitioners, his salary increased from approximately Rs.30,307/- in 2004 to Rs.252,520/- in 2017. He adds that despite receiving a lower percentage increase in 2013, the absolute monetary increase of OMS officers was higher than that of NCBS officers, while OMS employees continued to enjoy considerably superior pension and post-retirement medical benefits. Thus, no violation of Article 25 of the Constitution is made out. It is finally contended that the Board's decision was taken after due hearing, on the basis of objective considerations and within its statutory competence; no contempt proceedings were ever initiated against SBP-BSC, and the Petitioners cannot challenge a decision rendered pursuant to the

consent order passed in their earlier petition. He relied upon the order of the Supreme Court and added that the Supreme Court held that the SBP Banking Services Corporation was created directly by legislative enactment through the Ordinance and not by the State Bank of Pakistan under section 8-A of the State Bank of Pakistan Act, 1956. Consequently, it was a statutory corporation, and notwithstanding that its entire share capital was owned by the State Bank, it could not be treated as an integral part of the State Bank or its corporate veil lifted merely based on a parent-subsidiary relationship. Accordingly, the Constitution Petition and Civil Appeal were dismissed vide order dated 20.1.2015 in Civil Appeal No.215 of 2004. He lastly argued that the present petitions, being barred by laches, estoppel, lack of maintainability and involving disputed questions of fact, are liable to be dismissed.

6. On the question of maintainability of the petitions under Article 199 of the constitution. The learned counsel for the Petitioners submitted that the instant petitions are maintainable under Article 199 of the Constitution, as the Respondent-Corporation is a statutory body established under the SBP Banking Services Corporation Ordinance, 2001 and is under the control of the State Bank of Pakistan. He contended that Section 3(2) of the Ordinance confers upon the Corporation a distinct juristic personality, whereas Section 4 places it under the control of the State Bank; therefore, the Corporation cannot be treated as a purely private employer beyond the constitutional jurisdiction of this Court. He further submitted that Article 199(1)(a), read with Article 199(5), empowers this Court to examine actions of a statutory body performing functions connected with the affairs of the Federation, particularly where such action is without lawful authority, arbitrary, discriminatory or contrary to a statutory right. Learned counsel argued that the Respondents' reliance upon the non-statutory character of the BSC Staff Regulations, 2005 was misplaced, since the Petitioners' claim is principally founded upon Section 16(3) of the SBP Banking Services Corporation Ordinance, 2001, which is itself a statutory provision. According to him, Section 16(3) expressly protects the existing terms and conditions of service and benefits of employees transferred from the State Bank to the Corporation, including pension, gratuity, provident and benevolent fund benefits and other existing service benefits, and such protected terms could not be altered except with the consent of the transferred employees. It was further contended that the impugned decision dated 31.05.2022, whereby the Petitioners' claim for the differential compensation benefit was rejected, was therefore subject to judicial review to determine whether the competent authority had correctly interpreted and applied Section 16(3). Learned counsel submitted that the mere fact that the Petitioners were not civil servants, or that their service relationship was governed by regulations of the Corporation, did not oust the jurisdiction of this Court where a

statutory protection and fundamental right under Article 25 had been infringed. Learned counsel maintained that the Petitioners were not seeking enforcement of a mere internal administrative instruction or purely contractual term. Rather, their grievance was that similarly placed employees had been granted enhanced compensation, whereas the Petitioners, despite being covered by the statutory protection under Section 16(3), had been denied the corresponding benefit. The impugned decision, according to learned counsel, was/is therefore liable to be examined on the touchstone of the Ordinance, particularly Section 16(3), as well as the constitutional guarantee of equality under Article 25 of the Constitution. He further submitted that the Respondents could not defeat the petition at the threshold merely by asserting that the matter related to pay, remuneration or service conditions. Where the action of a statutory corporation is discriminatory, arbitrary or contrary to a statutory protection, the High Court is competent to examine the legality of such action in constitutional jurisdiction. Accordingly, learned counsel urged that the objection regarding maintainability be rejected and the petition be decided on its merits.

7. We have heard the learned counsel for the parties on the maintainability of the petition and perused the record with their assistance.

8. Admittedly, the Petitioners had earlier approached this Court in C.P. No.D-5633 of 2014 raising substantially the same grievance regarding the alleged denial of the benefit of the revised compensation structure and protection of their terms and conditions under Section 16(3) of the SBP Banking Services Corporation Ordinance, 2001. The said petition was disposed of vide order dated 30.09.2021, followed by further orders dated 28.02.2022 and 16.05.2022, whereby the competent authority was required to examine and decide the Petitioners' grievance. In compliance thereof, the competent authority afforded the Petitioners an opportunity of hearing and passed a speaking decision dated 31.05.2022, whereby their claim was declined. The Petitioners thereafter availed the further remedy of review, which was also considered and closed vide communication dated 23.06.2023. Thus, the very grievance which had been brought before this Court was examined pursuant to the directions of this Court and culminated in a reasoned decision by the competent authority.

9. Once the Petitioners had invoked the jurisdiction of this Court and, with their consent, obtained an order requiring the competent authority to examine their grievance, they could not thereafter repeatedly invoke constitutional jurisdiction merely because the decision rendered pursuant thereto was adverse to them. The subsequent decision dated 31.05.2022 and review decision dated 23.06.2023 were not fresh causes of action giving the Petitioners an unrestricted right to reopen the original controversy. The subsequent proceedings were merely

consequential to the earlier litigation and constituted consideration of the very grievance which the Petitioners had themselves placed before the competent authority pursuant to the order of this Court.

10. The principle of finality of litigation cannot be defeated by changing the form in which the same grievance is presented. A litigant cannot be permitted to repeatedly approach the constitutional Court on the same cause, raising substantially the same questions which had already been considered pursuant to an earlier judicial order. There must be an end to litigation. The extraordinary jurisdiction under Article 199 is discretionary and cannot be converted into a mechanism for perpetually reopening a concluded service grievance merely because the litigant remains dissatisfied with the decision rendered by the competent authority.

11. The Petitioners' present challenge is, in substance, a repetition of their earlier claim. The fact that the competent authority has now passed a decision pursuant to the directions issued in the earlier petition does not revive the original cause of action or confer a fresh and unlimited right to agitate the same controversy. The Petitioners had the opportunity to raise all their objections before the competent authority and, thereafter, the review was also considered. Having exhausted the course which they themselves had adopted, the Petitioners cannot be permitted to keep the same controversy alive indefinitely.

12. There is also considerable delay in challenging the decision rendered in 2022 and the review decision communicated in 2023. The present petitions have been instituted after a substantial lapse of time, while no satisfactory explanation for such delay has been shown. The extraordinary jurisdiction of this Court is discretionary and equitable. A litigant who sleeps over a grievance and subsequently seeks to revive the same controversy after considerable lapse of time cannot ordinarily claim interference under Article 199 as a matter of right. The doctrine of laches assumes greater significance where the dispute relates to service benefits and financial consequences extending over a long period.

13. The objection of maintainability of these petitions raised by the Respondents also carries considerable force for another reason. Although the SBP Banking Services Corporation is a statutory corporation, its statutory character by itself does not convert every matter concerning its employees into an enforceable public-law claim under Article 199 of the Constitution. The Supreme Court has already held, in the context of the Corporation, that its creation by the Ordinance gave it a distinct legal personality and that it could not merely because its entire share capital was owned by SBP be treated as an integral part of SBP.

14. The distinction sought to be drawn by learned counsel for the Petitioners between Section 16(3) of the Ordinance and the BSC Staff Regulations, 2005 does not, at the stage of maintainability, advance the Petitioners' case. The existence of a statutory provision protecting the terms and conditions of transferred employees does not mean that every subsequent claim relating to salary revision, compensation structure or other service benefits automatically becomes a constitutional right enforceable under Article 199 of the Constitution. Section 16(3) may be relied upon as a statutory provision for examining the legal effect of a transfer; however, the Petitioners' present claim ultimately seeks enforcement of a particular compensation structure and parity in a subsequent salary revision. Such claim cannot be transformed into a constitutional cause merely by referring to Section 16(3), as informed that the terms of condition of transferred/retired employees have not been changed as portrayed.

15. The Petitioners' reliance upon Article 199(1)(a), read with Article 199(5) of the constitution, is also misconceived. The constitutional jurisdiction is undoubtedly available to examine an action of a person or authority falling within the scope of Article 199 of the Constitution where such action is without lawful authority or is otherwise amenable to judicial review. However, Article 199 of the Constitution does not confer jurisdiction for enforcement of every service claim against every statutory body having non-statutory rules of service . The mere description of an employer as a "statutory body" does not make every term of employment, internal policy, salary structure or service regulation a statutory right.

16. Article 199(5) of the Constitution does not enlarge the substantive jurisdiction of this Court beyond the parameters prescribed by Article 199(1) of the Constitution. It merely identifies the persons and authorities falling within the expression "person" for the purposes specified in the constitutional provision. It cannot be read as creating an independent right in an employee to enforce non-statutory service regulations or internal compensation policies/increases of service benefits through constitutional jurisdiction. Therefore, the proposition that the mere existence of a statutory corporation necessarily makes every employment dispute maintainable under Article 199 of the Constitution is not legally sustainable. In the present case their claim for enhanced compensation with retrospective financial and consequential benefits in terms of the Corporation's compensation structure, policies and placement of different employee categories, involving disputed factual and evidentiary matters. Since the BSC Staff Regulations and compensation policies relied upon are non-statutory, no enforceable right thereunder can ordinarily be claimed in constitutional jurisdiction.

17. The Petitioners' argument that the Respondents cannot rely upon the non-statutory character of the BSC Staff Regulations because their claim is founded upon Section 16(3) is therefore not acceptable. Section 16(3) does not itself prescribe any particular percentage of salary increase, compensation revision or future financial benefit. Nor does it create an automatic statutory entitlement to every subsequent benefit introduced by SBP or BSC. The Petitioners cannot derive, from a general statutory protection of existing terms and conditions, a substantive right to a future compensation benefit which is otherwise governed by the Corporation's applicable service framework/policy.

18. The decisions cited by learned counsel for the Petitioners on Article 25 also do not assist them at the stage of maintainability. Those authorities concern the legality of differential treatment on merits and do not dispense with the preliminary requirement that the claim itself must be amenable to enforcement in constitutional jurisdiction.

19. The question whether a particular classification is reasonable, whether the Petitioners were similarly situated with another category of employees, and whether the compensation structure was justified are all questions which pertain to the merits of the claim. We deliberately refrain from examining those questions because the petitions fail at the threshold on the grounds stated herein.

20. Similarly, the Respondents' contention that SBP and SBP-BSC are distinct juristic entities is relevant to the maintainability objection. The Petitioners cannot claim constitutional parity merely by placing employees of SBP and SBP-BSC in one category. The Corporation has its own statutory personality and its own governing framework. The fact that SBP owns its share capital or exercises control in terms of the Ordinance does not, by itself, obliterate the separate legal personality of the Corporation or make all service conditions applicable to SBP employees automatically enforceable against BSC.

21. The objection regarding the earlier proceedings is also material. The Petitioners cannot simultaneously rely upon the earlier judgment/order for obtaining consideration of their grievance and, after receiving an adverse decision pursuant thereto, contend that the same controversy constitutes an entirely new cause of action. The decision of the respondents in the year 2022 was precisely the decision which the Petitioners had sought through the earlier proceedings. Their remedy, if any, had to be pursued within the permissible legal framework and within a reasonable period. Repeated constitutional petitions seeking reconsideration of the same claim are not permissible merely by assailing the consequential decision afresh.

22. We are also not persuaded by the contention regarding alleged defect in the constitution of the Board. The Petitioners had already raised the said objection before the competent authority and, in any event, the record reflects that their grievance was considered and a decision was rendered by the competent forum. The Petitioners cannot use a subsequent constitutional petition to perpetuate the same controversy, particularly when the challenge to the decision has been brought after considerable delay. Moreover, the Respondents have specifically relied upon the statutory protection contained in Section 7(5) of the Ordinance concerning acts of the Board notwithstanding vacancy or defect in its composition. We need not enter into the merits of that controversy, as the petitions are otherwise not maintainable under Article 199 of the Constitution.

23. The plea of disputed questions of fact raised by the Respondents further reinforces the conclusion that the present proceedings are inappropriate for the relief sought. Primarily, determination of the respective compensation structures, market positioning, applicable policies, financial consequences, service benefits and comparative treatment of different categories of employees would require examination of the factual and administrative record. Such matters cannot, particularly after the Petitioners' earlier proceedings have culminated in a speaking decision, be reopened as a matter of course in the extraordinary jurisdiction of this Court.

24. It is well settled that Article 25 does not require identical treatment of employees belonging to distinct classes and that differential monetary benefits may be founded upon reasonable classification having a rational nexus with the object sought to be achieved. We are not applying that principle to decide whether the Petitioners' particular claim is meritorious; rather, it demonstrates that the mere assertion of discrimination does not, by itself, transform a service-benefit dispute into an enforceable constitutional claim.

25. Consequently, without expressing any opinion on the merits of the Petitioners' claim regarding the alleged discriminatory denial of the 20% differential compensation, we hold that the present petitions cannot be maintained for reopening a grievance which had already been considered pursuant to the earlier proceedings, decided by the competent authority in 2022, reviewed and finally closed in 2023, and thereafter challenged after considerable delay. The Petitioners cannot be permitted to keep the same dispute alive indefinitely under the guise of a fresh constitutional challenge.

26. For the foregoing reasons, the petitions are found to be hit by the principles of finality, estoppel and laches and, more fundamentally, the relief sought concerns service/compensation matters governed by the Corporation's

non-statutory service framework, which cannot, in the circumstances of the present case, be enforced as a matter of right under Article 199 of the Constitution. The mere fact that SBP-BSC is a statutory corporation, or that the Petitioners have invoked Section 16(3) of the Ordinance, does not confer an unrestricted constitutional remedy for enforcement of every subsequent service or compensation benefit.

27. The petitions are, accordingly, dismissed as not maintainable under Article 199 of the Constitution, without entering into the merits of the Petitioners' claim or recording any finding on the legality or otherwise of the differential compensation structure. There shall be no order as to costs.

Office to place a copy of this order in the connected matter.

JUDGE

JUDGE

Zahid/*