

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-3261 of 2023  
(Ali Zaman Shah & others v Federation of Pakistan & others )

Date	Order with signature of Judge(s)
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Before:  
Mr. Justice Muhammad Karim Khan Agha  
Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and order:- 15.10.2025**

Mr. Abdul Wahab Baloch advocate for the Petitioners  
Mr. Muhammad Arshad Khan Tanoli advocate for the respondent No.2  
Ms. Wajiha Mehdi, Assistant Attorney General

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**ORDER**

**Muhammad Karim Khan Agha, J:**      The petitioners pray that  
this Court may be pleased to:

- 1. Direct the Respondents to issue the appointment letter against their applied jobs in the port Qasim authority, Bin Qasim port Karachi as per local residents quota mentioned in memorandum No. 41/2004 R/2 notified by the federal government of Pakistan.*
- 2. Cancel the appointment orders non-local candidate which were issued by the port Qasim authority, Bin Qasim port Karachi instead of local persons quota.*
- 3. Direct the respondent No.1 and 2 to produce the recore of the appointment in lower grate of non-local persons instead of local persons since the establishment of port Qasim authority, Bin Qasim Karachi 1977.*

2.      The Port Qasim Authority (PQA), Bin Qasim, Karachi advertised several lower-grade posts (BPS-02) on 05-06-2022, stating that priority would be given to local residents. The petitioners applied for posts such as Naib Qasid, Chowkidar, Topass, Security Hawaldar, and Khulasi, received interview calls in January 2023, and appeared for interviews in February–March 2023. Despite the advertisement’s condition, PQA appointed non-local candidates, ignoring local residents in violation of its own policy, the Government of Pakistan’s directives, and the Federal Government Memorandum No. 41/2004-R/2, which requires lower-grade jobs to be offered to local Sindhi and Baloch residents. The land on which Port Qasim was established in 1973–77 originally belonged to the petitioners’ ancestors, whose villages were acquired for the port project. At the time, the government promised employment preference to displaced locals, but this commitment has not been honored. Earlier petitions (C.P. D-1397/2007 and D-1571/2009) were decided in favor of the locals, directing PQA to give priority to residents in lower-grade jobs, yet PQA has failed to comply. Petitioners submitted that denying employment to locals violates Articles 4 and 25 of the Constitution (equality before law and protection of citizens’ rights). They seek appointment letters as per the local quota. Cancellation of non-local appointments and Production of records showing lower-grade appointments since 1977.

3. Learned counsel for the petitioners contended that at the time of acquiring land for Port Qasim from the petitioners' ancestors, the Government had committed to provide lower-grade jobs to local residents on a priority basis. However, since the Port's operation, the Port Qasim Authority (PQA) has continuously deprived locals of their rights by appointing outsiders, including persons from other provinces, in violation of the Constitution of Pakistan and the Federal Government's Memorandum No. 41/2004-R/2, which directed preference for local Sindhi and Baloch candidates in lower-grade posts. He further argued that despite this Court's earlier orders in C.P. No. D-1397/2007 and C.P. No. D-1571/2009, the PQA persists in its discriminatory practices. The petitioners, having served the department diligently, would suffer irreparable loss if deprived of their due rights, and no other efficacious remedy is available to them and prayed for allowing the instant petition.

4. PQA counsel admits advertising the posts but denies that priority for locals was stated in the advertisement. It asserts that all appointments were made on merit among residents of Karachi, not outsiders. PQA denies the petitioners' claim of ancestral ownership, noting no evidence or land records were produced. He cites recent judgments (CPD No. 2212/2023 and CPD No. 3225/2023) rejecting similar claims as baseless and frivolous. PQA counsel maintains that the Board has authority under Sections 50–51 of the PQA Act, 1973 to make policies and appointments according to its own rules (PQAESR-2011). He argues that the petitioners have no vested right to appointment, failed to join necessary parties, and filed the petition after rejection in merit-based selection. Finally he submitted that this petition is not maintainable, lacks proof of rights violation, and should be dismissed with costs.

5. The learned AAG has supported the stance of the respondent PQA prayed for dismissal of the instant petition.

6. After careful consideration of the record, the submissions of learned counsel for the parties, and the documents placed on file, including the recruitment advertisement issued by the Port Qasim Authority (PQA), it is established that certain lower-grade posts were advertised to be filled "on local basis." The petitioners have contended that despite this condition, the Authority appointed outsiders, thereby violating their legitimate expectation and the Federal Government's policy ensuring priority employment for residents of the Port Qasim area. Conversely, the respondents have categorically stated that all appointments made under the "local basis" category were of candidates belonging to Karachi, which administratively includes the Port Qasim

region, and that no person from outside Karachi was appointed against those posts.

7. Upon perusal, this Court finds no material evidence on record to establish that the persons appointed against local-basis posts were residents of any area outside Karachi or that the recruitment process was carried out in violation of law or policy. The expression “*local basis*” was not further defined in the advertisement or any statutory rule to restrict its meaning to the immediate Bin Qasim locality. Hence, the respondents’ interpretation that residents of Karachi qualify as local for the purpose of such recruitment cannot be termed arbitrary or unreasonable. Nonetheless, in view of the principle enunciated by the Supreme Court in General Post Office, Islamabad & others v. Muhammad Jalal (PLD 2024 SC 1276), which underscores that public employment must conform to the principles of fairness, transparency, and adherence to advertised conditions, therefore this petition stands disposed of with direction to competent authority of the Port Qasim Authority to maintain and publish a complete record of all appointees recruited on “local basis,” clearly indicating their domiciles and place of residence. In all future recruitments, particularly for lower-grade posts, the Authority shall give due preference to residents of the Port Qasim and adjoining localities, in line with the commitment made under the Office Memorandum No. 41/2004 R-2. The Establishment Division shall monitor compliance with this direction to ensure that the rights of local residents are duly protected in subsequent appointments.

8. In these circumstances, this Court finds no justification to interfere with the existing appointments; however, the petition is disposed of with the above directions, ensuring continued protection of local employment rights in future recruitment exercises.

Head of the Constitution Benches

JUDGE