

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C. P No. D-453 of 2017

Present

Mr. Justice Irfan Saddat Kha  
Mr. Justice Adnan-ul-Karim Memon

Muhammad Akram Anjum Bhatti ..... Petitioner

Versus

Federation of Pakistan and others .....  
Respondents

Date of hearing: **26.01.2017**

Mr. Muhammad Ramzan, Advocate for Petitioner.  
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**ORDER**

**ADNAN-UL-KARIM MEMON-J:-** Through this Constitutional Petition,  
the Petitioner seeks following relief:-

- a. To direct the Respondents No.2 and 3 not to remove the Petitioner from service and extend the contract service of the Petitioner for further one year.
- b. To restrain the Respondents No. 1, 2 and 3 from removing from present position of Manager CMS/LOG/Admn or taking any adverse action during the pendency of this Petition.
- c. Any other relief or relief(s) may also be granted, which deem fit and proper under the circumstances of the case.
- d. Cost of the Petition.

The facts arising out of the present case are that the Petitioner retired from his service from Pakistan Steel Mills as Deputy Manager vide order dated 23.04.2015. As per Policy of Pakistan Steel Mills, offer was

made to the Petitioner for his reemployment on daily wages/contract basis, which was accepted by the Petitioner accordingly. The Petitioner joined his new assignment. Thereafter Pakistan Steel Mills extended his contractual tenure twice. Upon completion of 2<sup>nd</sup> extension in the contract service of the Petitioner, he was against offered by Pakistan Steel Mills for reappointment on contract for one year w.e.f. 01.02.2016 through Hadeed Welfar Trust, which is managed and working under the administrative control of Pakistan Steel Mills. The contract of the Petitioner as per contract order/letter dated 28.01.2016 expires on 31.01.2017.

It is, inter-alia, contended by the learned counsel for the Petitioner that the Petitioner is retired employee of Pakistan Steel Mills Corporation on attaining the age of superannuation vide relying order dated 23.04.2015. Per learned counsel, the Petitioner's contract expires on 31.01.2017 and the Respondents No.2 and 3 are accommodating outsiders, we do not belong to Pakistan Steel Mills in place of the Petitioner, which is against the prevailing policy of Pakistan Steel Mills. Learned counsel for the Petitioner has further argued that the Petitioner is performing his dirties diligently, honestly with hard work and the service of the Petitioner is also satisfactory and not a single complaint regarding affairs of his service has been received from any quarter. He has further contended that presently the Petitioner is performing his duties as Manager CMS/Logistics (Procurement Cell) and Incharge Administration. Per learned counsel, the Petitioner apprehends his removal from contractual service, which is going to expire on 31.01.2017. Learned counsel for the Petitioner prays that the directions may be issued to the Respondents Nos. 2 and 3 not to remove the Petitioner from his contractual service and extend the contract of the Petitioner for further one year.

We have heard the learned counsel for the Petitioner and gone through the entire material available on record.

The only issue requiring adjudication in the instant Petition is with regard to the extension in the contract service of the Petitioner for further one year, who was appointed after retirement on contract basis in the Pakistan Steel Mills.

We note that the Petitioner after attaining the age of superannuation on 30.04.2015 from Pakistan Steel Mills and after his retirement, succeeded in getting his reemployment on contract basis on 25.05.2015 and obtained several extensions in this regard. Lastly he was engaged on temporary assignment for a period of one year as Manage in the setup of PSH Medical Department, Pakistan Steel through Hadeed Welfare Trust.

We are cognizant of the fact that the contract employee did not have a vested right to continue in service. We also note that the reemployment of retired personnel must be made in public interest because reemployment against sanctioned posts is likely to affect the interest of junior officers, who are waiting for promotion to the next higher ranks and their rights of promotion are blocked, the officer whose right is matured for promotion has to wait till such time that the re-employee completes his contract and the officer has to wait till such time that the re-employee completes his contract and the officer has to face difficulties in maintaining his seniority.

It is now settled that if the right of promotion is not blacked by reemployment then such powers can be exercised, then too in exceptional cases for definite period. Reference is made to the case of contempt proceedings absent the Chief Secretary, Sindh and others (2013 SCMR 1752).

We are of the view that Constitutional Petition cannot be maintained by the retired/contract employees of Pakistan Steel Mills. Pakistan Steel Mills Corporation has no statutory rules of service and thus Constitutional Petition is not maintainable. Reference can be made to the case of PIA Corporation Vs. Syed Suleman Alam Rizvi (2015 SCMR 1545).

We are also clear in our mind that the Petitioner has no vested right for extension in service which was temporary for a period of one year and the Respondents have the right to terminate the contract without assigning any reason.

In the light of above facts and circumstances of the case, this Petition, being misconceived, is dismissed in limine.

JUDGE

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