

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P No.S-605 of 2003

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Date	Order with signature of Judge
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**For directions**

For hearing of CMA No. 15645/2011

07.04.2017

Mr. Nishat Warsi advocate for the petitioner.  
Mr. M.G. Dastagir advocate for the respondent No.1  
Mr. Muhammad Shoaib Mirza Standing Counsel.  
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The Petition was allowed by short order dated 04.03.2005, the reasons of which followed on 06.09.2005. In the listed application, the petitioner claims that the order dated 16.08.2011 passed by this Court has been violated by the alleged contemnors.

The learned counsel for the petitioner has stated that on 15.10.2011 the petitioner moved the listed application pleading that the order dated 16.08.2011 has been violated by the alleged contemnors as full back benefits/ dues of the petitioner were not paid to him as directed by this Court while disposing of the petition, as such the alleged contemnors are liable to be hauled up by this Court under Article 204 of the constitution.

In reply to the listed application, the alleged contemnors have submitted objections.

The learned counsel for the respondent No.1 has contended that the order of this Court has been fully complied with in letter and spirit, and the petitioner was satisfied with the decision taken in this regard, and his satisfaction was recorded by this Court in the order dated 20.09.2011, as such nothing is left to be done in the present matter and the listed application is liable to be dismissed with cost.

We have heard learned counsel for the parties at some length and have considered the submissions and perused the available record with their assistance.

A perusal of the record shows that the petition was disposed of vide judgment dated 08.05.2005, whereby the petitioner was directed to be reinstated with full back benefits, the petitioner was reinstated and

subsequently retired on 31.12.2006. The grievance of the petitioner is that he has not been paid full back benefits as directed by this Court. In the order dated 16.08.2011 this Court directed the alleged contemnor No.1 to hear the petitioner and prepare a comprehensive report regarding dues which were to be paid to the petitioner as back benefits, more particularly his promotion as done with other employees of his batch. It was also observed that such exercise shall be completed within a period of one month.

Pursuant to the above order of this Court, a compliance report was submitted by the alleged contemnor in which he stated that he had heard the petitioner and examined the relevant documents and noted that the petitioner's up gradation from Pay Group-IV to Pay Group-V was due from 01.07.1999. Accordingly, such approval of competent authority was obtained and up gradation order of the petitioner from PG-IV to PG-V was notified on 13.09.2011 w.e.f. 01.07.1999. He has also mentioned that in the minutes of the meeting, it is noted that the petitioner would be entitled to arrears as a consequence of up gradation and will also be eligible for difference of gratuity as well. On such conclusion, he stated, that except up gradation, no other dues was found to be payable to the petitioner, and consequently such up-gradation benefits were paid to the petitioner.

A perusal of the order dated 20.09.2011 indicates that the petitioner was satisfied with the decision of Pakistan Steel Mills; and statement showing his satisfaction has been recorded by this Court in the above order.

We have also gone through the statement dated 16.02.2017 submitted on behalf of the respondent No.1, which reads as under:-

*"It is submitted on behalf of respondent No.1 that pursuant to the order of this Hon'ble Court dated 16.08.2010 the respondent No.1 has already provided the relevant documents on 09.09.2010 photocopies whereof are also enclosed regarding reinstatement and promotion of other employees involved in the case along with Mr. Mian Gul the petitioner in the above matter for the period up-to 31.12.2006 who was retired on attaining the age of superannuation and in respect of other employees for the period thereafter.*

*It is submitted that the referred employees were reinstated and given pay Group-IV and there was no further promotion till 31.12.2006. It is further submitted that there was no up gradation of the post till 31.12.2006 inasmuch as up gradation/promotion pursuant to CBA agreement of 2008, copy thereof is already on record, and also notified by Circular dated 04.08.2009 copy enclosed whereby relief was given to the workers mentioned herein even it was not applicable to the case of the petitioner, however, as a special case vide orders of this Hon'ble Court dated 16.08.2011 and 20.09.2011 passed by the Division Bench of this Hon'ble Court as a special case on humanitarian grounds the petitioner was given pay group-V and arrears were also paid to him. He was satisfied with*

*such decision of Pakistan Steel as recorded in the order dated 20.09.2011. The petitioner is not entitled for any further amount and he has been paid all service dues. Detail is enclosed”*

The grievance of the petitioner in respect of certain additional dues/benefits is not borne out of any record and as far as his previous benefits are concerned, he was satisfied with the calculation of the same as is observed in the order dated 20.09.2011. We are mindful of the fact that this Court cannot go beyond the terms of disposal order recorded in the present proceedings.

In the facts and circumstances and for the reasons alluded above, we are not inclined to proceed any further in these proceedings. The listed application having no merits is accordingly dismissed.

JUDGE

JUDGE

**Shafi Muhammad P.A**