

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

**Constitutional Petition No. D-1388 of 2017  
along with C.Ps. No.D-4491 of 2017, 5988 of 2017,  
3551 of 2018, 3203 of 2018, 788 of 2019, 1132 of 2019,  
5603 of 2018, 2470 of 2020, 7975 of 2018**

Date	Order with Signature of Judge
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1. For order on CMA No.1200/2020 (151) :
2. For order on CMA No.2133/2020 (151) :
3. For order on CMA No.2167/2020 (151) :
4. For order on CMA No.35665/2019 (151) :
5. For order on CMA No.34807/2019 (151) :
6. For order as to non-prosecution of CMA No.24354/2019 (Review) :
7. For order on Nazir report dated 27.5.2019 :
8. For hearing of CMA No.3172/2019 :
9. For hearing of CMA No.38745/2018 :

**18.05.2020 :**

Mr. Muhammad Haseeb Jamali, advocate for the petitioners.

Syed Nadeem-ul-Haq, advocate for the petitioners in C.P. No.D-7975/2018

Agha Zafar Ahmed, advocate for Pakistan Steel Mills.

Mr. Muhammad Nishat Warsi, DAG along with Abdul Hadi Bullo, Joint Secretary (Finance) Islamabad, and Gufran Memon, Additional Secretary, Cabinet Division Islamabad

Malik Ejaz Hussain, Law Officer, Pakistan Steel Mills

Mr. Muhammad Asghar Shaheen, Incharge Law Pakistan Steel Mills

Mr. Muhammad Ramzan, advocate for petitioner in C.P. No.D-2470/2020

Mr. Sanaullah Noor Ghori, advocate

On the last date of hearing viz. 05.03.2020, last and final opportunity was granted to the Federal Government and Pakistan Steel Mills (PSM) to settle all the dues of the petitioners, subject to the condition that payments shall be made to them by the Federal Government latest by 15.05.2020 in terms of statement dated 04.03.2020 submitted before the Court ; and, it was observed that if the commitment / assurance / undertaking mentioned in the said statement dated 04.03.2020 is not honoured by the Federal Government in letter and spirit, the account(s) / fund(s) of the Federal Government shall be attached forthwith for settlement of the dues of the petitioners.

Learned DAG has placed on record statement dated 18.05.2020 along with several enclosures and reports submitted by the Secretary Finance Division and the Secretary Cabinet Division. According to the above, in order to ensure compliance of this Court's order the Ministry of Industries and Production in consultation with the Finance Division had submitted a summary to the ECC of Cabinet for settling the outstanding liabilities of ex-PSM employees who have approached the Court ; and, an amount of **Rs.12.741**

**billion** was approved for this purpose, out of which an amount of **Rs.1.30 billion** (10% of the claims of the litigants) was to be released in the first week of May 2020 in the current financial year 2019-2020 and the remaining 90% amount of the claim will be allocated in the budget of next financial year 2020-2021. Learned counsel for PSM confirms the above position. He undertakes that the above mentioned 10% amount will be disbursed / paid only towards the post-retirement benefits of retired employees of PSM and shall not be utilized for any other purpose.

Abdul Hadi Bullo, Joint Secretary (Finance) Islamabad, and Gufran Memon, Additional Secretary, Cabinet Division Islamabad, who are present in Court, undertake that the remaining 90% amount of the above mentioned approved claim shall be deposited by the Federal Government with the Nazir of this Court **latest by 31.08.2020**. Upon deposit of the said amount, Nazir shall expeditiously disburse / release the same only towards the post-retirement benefits of retired employees of PSM after verification of their claims by PSM. PSM is directed to cooperate with and assist the Nazir for this purpose. It is clarified that if the remaining 90% amount of the claim is not deposited by the Federal Government within the stipulated period, the account(s) / fund(s) of the Federal Government shall be attached for settlement of the dues of the petitioners.

Regarding the post-retirement benefits of all such retired employees of PSM who have not approached the Court, learned counsel for PSM, learned DAG as well as the above named Secretaries admit that post-retirement benefits have not been paid to such employees. It is not disputed by any of the learned counsel and or party that subject to their entitlement, such employees are also entitled to the same treatment that is being given to the present petitioners or to such other employees who have approached the Court. In view of the above, Federal Government and PSM are directed to allocate requisite funds to settle the post-retirement claims of all such retired employees of PSM who have not approached the Court, and to deposit the same with the Nazir of this Court **latest by 31.08.2020**. At the request of learned DAG, PSM is directed to submit a complete list of claims of all such retired employees who have not approached the Court, within fifteen (15) days with advance copy to learned DAG.

By consent, adjourned to **03.09.2020 at 11:00 a.m.**

JUDGE

JUDGE