

*Order Sheet*  
**IN THE HIGH COURT OF SINDH KARACHI**  
**Constitutional Petition No. D –5649 of 2018**

Before:

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Rao Muhammad Gulzar and 126 others

*Versus*

Federation of Pakistan and 02 others

For hearing of CMA No.17857/2020 (Contempt) :

Date of hearing & order : 02.12.2020

Malik Naeem Iqbal and Mr. Faizan H. Memon, advocates for the petitioners.

Mr. Asim Iqbal and Mr. Farmanullah, advocates for respondents 2 and 3 along with alleged contemnors viz Muhammad Amin Rajput, Acting Managing Director SSGC, Asad Saeed Khan, Senior General Manager (HR) SSGC, Bakhtiar Alam DGM (IR), Asif Fateh Shaikh G.M (Legal) and Javed Usman ADGM (IR) SSGC. Mr. Muhammad Nishat Warsi, DAG.

**ORDER**

**ADNAN-UL-KARIM MEMON, J.** Through listed application, the petitioners have prayed that contempt of Court proceedings may be initiated against the alleged contemnors for willful defiance of the judgment 30.09.2020.

2. The instant petition was disposed of by this Court vide order dated 30.09.2019 with the following observations:-

*“22. In the light of facts and circumstances of the case discussed above and decisions rendered by the Honorable Supreme Court in the aforesaid cases, the instant petition is hereby disposed of with direction to the Managing Director/Competent Authority of Respondent-Company to consider case of the petitioners for regularization of their service, more particularly in the same analogy as decided by the Hon’ble Supreme Court of Pakistan in the case of Messrs. State Oil Company Limited vs. Bakht Siddique and others (2018 SCMR 1181). The aforesaid exercise shall be undertaken within a period of two months from the date of receipt of this Judgment and compliance report be submitted through MIT-II of this Court.”*

3. Compliance report submitted by the alleged contemnors has been objected to by the applicants on the ground that some of the petitioners were terminated despite interim order dated 29.08.2018 and merged into final judgment dated 30.09.2019 passed by this Court but now their services have been regularized with effect from the date of filing of the instant petition, yet their salary for the intervening period has not been paid. Per learned counsel, this is sheer defiance of direction contained in the judgment as discussed supra and the

contemnors are bound to comply with the same in its letter and spirit. It is further stated that nine petitioners were issued offer letters for regularization against lower grade instead of the grade in which they were serving and their basic salary in that grade has not yet been fixed, however, they have been treated as fresh employees, which is against the essence of the judgment passed by the Honorable Supreme Court passed in the case of Messrs. State Oil Company Limited vs. Bakht Siddique and others **2018 SCMR 1181**. He prayed for drastic action against the alleged contemnors.

4. We have heard the learned counsel for the parties on the listed application viz. CMA No.17857/2020 and perused the compliance report available on record.

5. Primarily substantial compliance of the judgment passed by the Honorable Supreme Court as well as this Court has been made. Now the only issue remains to be resolved as to whether some of the petitioners who were terminated during the pendency of the aforesaid petitions and now regularized are entitled to the salary during intervening period or otherwise and secondly whether respondent-company is under obligation to regularize them on the same grade as they were serving on their respective posts. At this stage, we are only concerned with the salary issue of some of the petitioners for the intervening period as discussed supra and we leave it with competent authority / Managing Director of the respondent-company to take into consideration this aspect and decide it with speaking order, in accordance with law within a reasonable time, after hearing the aggrieved petitioners.

6. Prima-facie the question of downgrading some of the petitioners in the regularization process cannot be decided in contempt proceedings, which is a separate cause of action and it is for the aggrieved persons to avail their respective remedy as provided under the law against the purported action on the part of respondent-company, if any.

7. In view of the above the listed application stands disposed of in the above terms.

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