

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

**Const. Petition No. D – 1388 of 2017
a/w C. P. Nos. D-4491 of 2017, D-3551, D-5603
of 2018, D-788 of 2019, D-3051/2020, D-1459/2017, D-3203/2018,
D-7975/2018, D-1132/2019, D-4102/2020, D-3341/2020, D-3769/2020,
D-2470/2020, D-5988/2017, D-5830/2020 and D-6269/2020**

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| Date | Order with signature of Judge |
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09.12.2020 :

Mr. Muhammad Haseeb Jamali, advocate for the petitioners in C.P. Nos. D-1388/2017, D-4491/2017, D-3769/2020, D-788/2019 & D-5988/2017.

Mr. Muhammad Sabir Khan Tanoli, advocate for the petitioners in C.P. Nos. D-4102/2020 & D-3051/2020.

Muhammad Ramzan, advocate for the petitioners in C.P. Nos. D-1459/2017, D-3341/2020, D-2470/2020, D-5830/2020 & 3551/2018.

Mr. Sikandar Ali, advocate for the petitioners in C.P. No. D-6269/2020.

Syed Fazal-ur-Rehman, advocate for respondents 3 & 4 in C.P. No. D-5830/2020.

Mr. Imran Hussain, advocate for the Intervener in C.P. No. D-1388/2017.

M/S Sanaullah Noor Ghouri, Adnan Ahmed Zafar and Jazib Ali Shaikh, advocates for Pakistan Steel Mills.

Tauseef Mansoor Khan Manager (Law) PSM, Muhammad Asghar Shaheen Incharge (Law) PSM and Yameen Zuberi, Law Officer PSM.

Mr. Muhammad Nishat Warsi, DAG.

NADEEM AKHTAR, J. – Nazir of this Court has submitted report dated 08.12.2020 stating that Pakistan Steel Mills (PSM) has deposited with him a cheque for Rs.11.680 billion in compliance of order dated 23.11.2020. By consent, the above report is taken on record.

Vide report dated 02.09.2020, the Nazir had confirmed that an amount of Rs.11.441 billion had been received by him in compliance of order dated 18.05.2020. After deposit of the above mentioned amount Rs.11.680 billion, the total amount deposited with the Nazir in pursuance of the orders of this Court comes to **Rs.23.121 billion**. Learned counsel for the petitioners and PSM as well as learned DAG confirm that the entire amount committed / undertaken by the Federal Government has been deposited with the Nazir. It has also been confirmed by learned counsel for the petitioners that the process of disbursement of the above amount to retired employees of PSM towards their post-retirement benefits had been started by the Nazir in September 2020 in

pursuance of the orders passed by this Court, which process is yet to be completed. They are satisfied with the said process of disbursement. However, learned counsel for some of the petitioners state that the Nazir is not entertaining their claims in respect of arrears and/or differential of salary, succession certificates produced by the legal heirs of deceased retired employees and claims submitted by the employees who retired during pendency of these petitions or after passing of orders therein.

With the consent of learned counsel, parties and law officers present today, Nazir is directed :

- a. To ensure that the entire amount of **Rs.23.121 billion** received by him is utilized for settling the claim of post-retirement benefits of retired employees of PSM, and the entire exercise is completed as expeditiously as possible ;
- b. If any surplus amount is left after full and final settlement of the above dues, the said surplus amount shall be utilized for satisfying the claim of retired employees in respect of their arrears and/or differential of salary ;
- c. The claim(s) received by the Nazir in respect of arrears and/or differential of salary shall be scrutinized and verified by PSM after hearing the employee(s) concerned, whereafter the amount, as verified by PSM, shall be paid to the beneficiary(ies) ;
- d. In case of any amount / dues payable by the retired employees to PSM, PSM shall submit details thereof in writing to the Nazir, whereafter the Nazir, after hearing the employee(s) concerned, shall decide the amount to be deducted from his / their account and shall submit his reference to this Court for consideration ;
- e. The Nazir shall also entertain and consider the claims for post-retirement benefits submitted or to be submitted by the employees of PSM who retired during pendency of these petitions or after passing of orders therein ; and,
- f. In cases where Succession Certificates are submitted by the legal heirs of deceased retired employees, Nazir shall disburse the share of each legal heir according to his / her entitlement as per Shariah, and the share(s) of minor legal heir(s) shall be kept by the Nazir in his safe

custody by investing the same in any profit bearing Government scheme till the minor attains the age of majority. However, the profit accrued on the share / investment of the minor(s) shall be paid to his / her guardian / next of kin if any application in this behalf is filed and granted by this Court.

It may be observed that the above directions given to the Nazir are in addition to the directions already given to him vide orders dated 18.05.2020, 03.09.2020, 06.10.2020 and 23.11.2020. Moreover, as already held by us on 18.05.2020, all the directions given by us from time to time shall also be applicable to the cases of all such retired employees of PSM / their legal heirs who have not received their post-retirement benefits and have not approached the Court, and they shall also be entitled to the same treatment as has been given to the petitioners. Before parting with these cases, we would like to record our appreciation for the timely action taken by the Federal Government to bailout PSM from the crisis created due to non-availability of funds.

By consent, all pending petitions and applications stand dispose of in the above terms with no order as to costs.

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