

IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Muhammad Shafi Siddiqui

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No. D -5663 of 2020

Jawad Ahmed Sethar and 02 others

Versus

Secretary, Ministry of Industries and Production and 03 others

Date of hearing

& order : 01.02.2021

Petitioner No.2, Syed Naseem Haider Abidi, present in person.

ORDER

ADNAN-UL-KARIM MEMON, J. - Through this constitutional petition, the petitioner -Pakistan Steel Insaf Labour Union (CBA) is seeking direction to the competent authority of respondents to revive the Gulshan-e-Hadeed Housing Scheme Phase-IV, which was halted in 2015 due to the privatization of Pakistan Steel Mills Corporation (PSMC). Per petitioner, the PSMC had started Gulshan-e-Hadeed Housing Scheme with the approval of the Ministry of Production, its Boards of Directors and in agreement with the CBA in the year 1983 and launched the Phase-I to phase-III, and later on, the masterplan of Phase-IV was approved and despite its approval from the competent authority as well as Malir Development Authority (MDA), this project could not be launched/finalized. Petitioner-union emphasized that in the current bad financial conditions of PSMC, the petitioners have grave apprehension that the respondents may abandon the said housing scheme i.e. Phase-IV, and deprive the respective allottees of their respective plots, as such immediate indulgence of this Court is required in the matter. They prayed for suspension of the letter dated 16.02.2015 issued by the Privatization Commission whereby the Commission took back the decision of launching of Gulshan-e-Hadeed Housing Scheme Phase-IV until the privatization of PSMC (available on page-41). Petitioners, in support of their contention, relied upon the documents attached with the memo of the petition (page 21 to 51).

2. At the outset, we inquired from the petitioners as to how they are entitled to claim such allotment in the Gulshan-e-Hadeed Housing Scheme as prima facie they have failed to attached any document with the memo of the petitioner to substantiate their claim about their respective allotment of plots or execution of Gulshan-e-Hadeed Housing Scheme Phase-IV.

3. Petitioner No.2 who is present in person has reiterated his submissions and submitted that PSMC has a running policy to provide land for housing to its employees.

He referred to Scheme and submitted that the subject scheme has been approved by the Board of Director PSMC in line with the clause-55 of the CBA agreement dated 2008 who are aggrieved in principle for not launching of Gulshan-e-Hadeed Housing Scheme Phase-IV to curb the tendency of encroachments in the area on the subject land meant for housing purpose for the PSMC employees. Therefore, they have approached this Court that Privatization Commission may be directed to detach the launching of Gulshan-e-Hadeed Housing Scheme Phase-IV from the privatization process of PSMC so that the rights of the workforce as envisaged in the CBA agreement be safeguarded.

4. We have heard petitioner No.2 who is present in person and perused the material available on record. Prima facie, the launching of Gulshan-e-Hadeed Housing Scheme Phase-IV was/is a policy decision which has already been taken care of by the Secretary Ministry of Industries and Production, Government of Pakistan, whereby the request of PSMC was declined for delinking of the launching of Gulshan-e-Hadeed Housing Scheme from the privatization process vide letter dated 13.04.2015. Besides the subject matter in these proceedings is a policy matter and Privatization Commission has already taken back the decision vide letter dated 16.02.2015 for the launching of aforesaid Society till the privatization of PSMC which is the policy decision of respondents; and, in the given circumstances of the case, we are not inclined to interfere in the policy decision under its Constitutional jurisdiction, for the reasons already given hereinabove.

5. This being the position of the case, at this stage, we are not in agreement with the submission of the petitioners because no right of the petitioner-union has been established; and, prima-facie under the garb of this petition they have attempted to bypass the process initiated by the respondents as discussed supra.

6. In light of the above facts and circumstances, this petition is dismissed in limine along with the pending application(s) with no order as to costs.

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