

IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Const. Petition No. D – 615 of 2006

(Gul Hassan Soomro v. Managing Director, SSGC & another)

For Direction

For hearing of CMA 3849/2010

17-05-2022

Gul Hassan, the Petitioner present in person.
Mr. Mukesh Kumar G. Karara, Advocate for the Respondents-SSGC.
Mr. Muhammad Hamzo Buriro, Deputy Attorney General.

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This Contempt Application has been filed by the Petitioner, who appears in person, for alleged contempt of order dated 08.12.2009, whereby this Petition was allowed in the following terms:

“We therefore allow this petition and quash the impugned order with the effect that the petitioner shall be deemed to have serve on the same post he was serving before the impugned order came into effect.

Before passing with this order we may observe that the respondents if they want, can proceed against the petitioner by following the procedure prescribed under the law, but since the petitioner has since retired and if the respondents want to proceed against him they should make this decision within one month and they can only proceed with the enquiry if before initiation of such proceedings they deposit the payment which becomes due to the petitioner in accordance with the provisions of this judgment, with the Additional Registrar of this Court”.

In the Application as above, the Petitioner has sought his proforma promotion and so also re-fixation of pay and pension / profits including past arrears from June, 2006 till the retirement date.

Reply has been filed by the Respondents and it has been contended that the Petitioner was retired in 2009 and at the time of his retirement all terminal dues were paid and there is nothing outstanding; whereas, as per Company Policy, punishment of demotion to lower grade does not affect the salary as such, for which a claim has been lodged. It has been further stated that more than a decade has been passed; therefore, no record is available with them.

On the other hand, the Petitioner, who appears in person, has filed various documents including salary slips and has prayed for passing appropriate orders on his Contempt Application.

We have perused the record and material that has been placed before us by the Petitioner as well as Respondents' Counsel. Insofar as the order as above is concerned, it appears that apparently there is nothing in the said order as to payment of any arrears / dues to the Petitioner. It was only to the extent that his demotion to a lower grade was set-aside, and since he had retired in the interregnum, it was held that he *shall be deemed to have served on the same post he was serving before the impugned order came into effect*. The only exception was that if the Respondents want to proceed any further, they have to deposit due payment with the Additional Registrar of this Court. Admittedly, after passing of the above order, no proceedings have been initiated against the Petitioner, whereas, according to the Respondents all dues have been paid. Therefore, by way of this Contempt Application, we cannot ascertain and determine the purported outstanding dues and difference of pay, if any, as for that the Petitioner has to seek some other remedy; may be a Suit for recovery for the differential amount. Per settled law, in contempt proceedings the scope of the Petition and order cannot be enlarged in any manner so as to cover any subsequent events and actions, which have been taken thereafter. The Petitioner accepted his dues without intervention of the Court and thereafter has come with a plea that not only he is entitled for a proforma promotion, but also outstanding dues. We are afraid while hearing this Contempt Application, no such order can be passed by us.

In view of hereinabove facts and circumstances of this case, this Contempt Application is **dismissed**; whereas the Petitioner is at liberty to seek other remedy, as may be available under the law.

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