

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**CP. No. D- 4600 of 2018**  
(Sultan Ahmed Jalbani v. Trustees of Port of Karachi and another)

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Date Order with Signature(s) of Judge(s)  
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**Priority**

1. For orders on CMA No.2032/2023 (u/a)
2. For orders on CMA No.10344/2022 (contempt)
3. For hearing of on CMA No.13216/2022 (stay)
4. For hearing of on CMA No.14715/2019 (151)
5. For hearing of on CMA No.20495/2018
6. For hearing of main case

**25.01.2023**

Petitioner present in person  
Mr. Yasir Ahmed Shah, Assistant Attorney General  
Mr. Muhammad Sarfraz Sulehry, advocate for KPT  
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Through the instant petition, the petitioner seeks direction to the respondent-Karachi Port Trust (KPT) to withdraw the impugned order dated 11.4.2018 and letter dated 10.5.2018 including the Board Resolution 127 (Item-i) dated 19.6.2017 as ultra vires. Petitioner also seeks direction to respondent No.1 to pay him the bonus for the year 2017-2018 as paid to all officers/employees of KPT who had completed 180 days in KPT service inter alia, on the ground that there is no provision under the KPT Act 1886 and the Rules framed thereunder to place the officer of KPT as Officer on Special Duty (OSD).

2. Petitioner, who is present in person, has submitted that before taking impugned action he was condemned unheard under Article 10A of the Constitution. He further submitted that respondent No.1 has stopped his bonus for the year 2017-18 without providing the opportunity of a fair trial. He further submitted that both the decisions placing the petitioner as OSD and the stoppage of the bonus are illegal and without lawful authority. Petitioner emphasized that the Resolution discussed supra is also illegal which is against the general policy decision. He prayed for allowing the instant petition.

3. On the contrary, learned counsel for the respondent KPT has raised the question of maintainability of the petition, inter alia, on the ground that the KPT Board has already canceled the Board Resolution No.599 (Item-v) dated 12.9.2020, the policy of payment of bonus linked with the performance of KPT officers and employees; that the respondent / alleged contemnors have

delinked/deleted the policy linked with “Performance Based Bonus” in strict compliance of the undertaking before this Court on 01.12.2021 on CP No.D-5733 of 2021; that KPT Board has authorized the Chairman KPT to exercise the power of the Board under Section 21 of the KPT Act 1886, hence he prayed for dismissal of the petition including contempt application.

4. We have heard the petitioner, who is present in person, on the maintainability of the petition and perused the material available on record.

5. There are certain charges against the petitioner on account of his misconduct though the petitioner claims that he is a whistleblower who intimated the Accountability Bureau about certain irregularities in the KPT and the petitioner has become a victim. Since the respondents have asserted that the payment of bonuses is based on performance and the petitioner has not performed and is facing disciplinary proceedings during the period 2017-18, therefore, he is not entitled to the benefit. Be that as it may, we have not been shown any provision in KPT Regulations that any officer of KPT could be placed as OSD for a longer period and we leave it to the competent authority to look into the aforesaid issue of the petitioner and take a decision after providing meaningful hearing to the petitioner within two weeks.

6. Without touching the merits of the case, we refer the matter of the petitioner to the Chairman KPT to hear the petitioner and if he is at all entitled to the disbursement of bonus for the year 2017-18, the same be paid to him so far as placing him as OSD, the same factum shall be looked into in terms of the ratio of the judgment passed by the Hon’ble Supreme Court on the subject issue.

**JUDGE**

**JUDGE**