

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-3393 of 2017

(*Manzoor Ahmed & others v Federation of Pakistan & others*)

CP. No. D-6137 of 2018

(*K.M. Khurshiduddin & others v Federation of Pakistan & others*)

CP. No. D-2352 of 2018

(*Abdul Shakoor & others v Federation of Pakistan & others*)

CP. No. D-8933 of 2018

(*Muhammad Azam & others & others v Federation of Pakistan & others*)

Date	Order with signature of Judge
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul_Karim Memon

**Date of hearing and Order: 23.04.2025**

M/s. Ameeruddin, Dr. Shahrukh Shahnawaz, and Ms. Yasmeen Bano advocate for the petitioners.

Mr. Sanaullah Noor Ghouri advocate for the respondent

Mr. R.D Kalhor, Assistant Attorney General

**ORDER**

**Adnan-ul-Karim Memon, J:** The Petitioners pray that this Court declare the Respondent/Pakistan Steel Mills, legally bound to implement the Promotion Policy/Circular dated June 2, 2009, without discrimination in terms of order dated 28.03.2017 passed in C.P. No.D-5326 of 2013, and to promote the Petitioners upon completion of 21 years of service as per the policy. However the learned counsel submitted that during the pendency of the petition, petitioners retired from services.

2. The Petitioners were initially covered by a 1988-1990 Career Planning Policy that created the HSW cadre with defined promotions. This was abolished in 1992. After years without a clear promotion path, a 2009 policy (Circular No A&P-09-21/2/P&C) entitled Junior Officers (including former HSW-I) to promotion after 21 years of service from their initial placement. Having met this requirement, the Petitioners have been denied promotion to Deputy Manager due to alleged financial constraints, despite a Board-approved policy and previous court orders in their favor (Civil Suit No. 59/2012, CP No. D-842/2014, CP No. D-5326/2013) directing non-discriminatory implementation of the 2009 policy.

3. Learned counsel for the petitioners argued that now retired Petitioners have been unfairly denied the policy decision relief since 2009, citing financial constraints, while other PSM employees (workers, daily wagers) received benefits in terms of orders passed by this Court and he seeks similar treatment to be meted out with them. He added that this denial violates constitutional/service rights of the petitioners under Articles 4, 10-A, 18 and 25 of the Constitution. Counsel also highlighted discriminatory treatment in terms of the Promotion Policy 2009. He

concluded that the Respondents' inaction is legally unjustified and prayed for allowing the petitions.

4. The respondents' learned counsel argued that despite Pakistan Steel Mills being a state enterprise shut down since June 2015. He further contended that retired employees' claims for benefits, including promotion under a suspended 2009 policy, and the non-statutory nature of service rules, warrant dismissal of the petition. In support of his contention, he relied upon the order dated 04.02.2011 passed by the Supreme Court in Civil Appeal No. 184-K of 2010, order dated 06.07.2011 passed in CPLA No. 17-K of 2011, order dated 12.03.2020 passed in Civil Petition No. 326-K and 513-K of 2013, order dated 17.03.2022 passed in CM Appeal No. 07 of 2021 in Constitution Petition No. Nil of 2021, order judgment dated 18.12.2024 passed by this Court in C.P. No. D-886 of 2023, order dated 16.01.2023 passed in C.P. No.D-3105 of 2017 and connected petitions. He also relied upon Pakistan Steel Officers Service Rules and Regulations, which he argues are non-statutory rules of service.

5. We have heard learned counsel for the parties and have perused the material available on record with their assistance and case law on the subject issue.

6. Petitioners are now retired employees of Pakistan Steel Mills ('PSM'), and they approached this court when they were in service with the narration that despite a 2009 promotion policy entitling them to promotion after 21 years of service (following an earlier abolished 1988-1990 HSW policy), and despite this policy being Board-approved and subject to prior court orders for non-discriminatory implementation, the Petitioners' promotion to Deputy Manager has been denied due to alleged financial constraints.

7. We understand that Pakistan Steel Mills has incurred substantial financial losses exceeding Rs. 100 billion, with total liabilities surpassing Rs. 110 billion. Given this precarious financial situation, directing PSM to grant the retired officers' claimed financial benefits under the promotion policy 2009 in these petitions is not considered appropriate at this time for the reasons discussed above in terms of the decision passed in the aforesaid proceedings.

8. Based on the reasoning outlined above, the relief requested by the petitioners cannot be granted. Consequently, these petitions are dismissed as not maintainable, along with any pending applications.

JUDGE

HEAD OF CONST. BENCHES