

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-4545 of 2018

(*Kaleem Ahmed 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: 25.04.2025**

Mr. Irfan Mir Halepota advocate for the petitioner.  
Mr. Harchand Rai, Advocate for the respondent Bank  
Mr. R.D. Kalhoro, Assistant Attorney General

**ORDER**

**Adnan-ul-Karim Memon, J:** The petitioner, a retired Vice President of Zarai Taraqiati Bank (ZTBL), joined in 1984 and had an unblemished 33-year career. Despite being eligible under the 1999 placement policy, he was denied a move-over to the Senior Vice President (SVP) pay scale effective January 1, 2017. This denial occurred in office memos dated May 9, 2017, and February 13, 2018, while some colleagues, including retired ones, received the move-over. The petitioner submitted representations on May 17, 2017, and May 21, 2018, which were not addressed. Having reached the maximum of the VP scale on April 1, 2016, the policy states that a move-over is due after one year. The petitioner seeks the SVP's move-over to recalculate his pension benefits, referencing a similar order by the Islamabad High Court. He claims his constitutional rights are being violated and seeks the court's intervention as he has no other legal recourse.

2. Learned counsel for the petitioner argued that the retired ZTBL Vice President (joined 1984, 33-year unblemished record) was denied a move to the SVP pay scale effective 1/1/2017, despite being eligible under the 1999 policy. This decision was made via memos dated 5/9/2017 and 2/13/2018, while some colleagues received it. His representations (5/17/2017 and 5/21/2018) were ignored. Having reached the maximum VP scale on 4/1/2016, the policy permits a move-over after one year. He seeks SVP status for pension recalculation, citing a similar court order, claiming a violation of constitutional rights, and seeking court intervention to overturn the decision of the respondent Bank to decline the mover benefit to the petitioner on wrong premise of recovery criteria and not on merit.

3. The respondent bank's counsel conceded the petitioner's initial hiring and part of his career advancement. However, he strongly refuted the claim of consistently exceptional performance and unjust denial of the SVP move-over. The counsel argued the petitioner was justifiably excluded from move-over consideration for 1/1/2017 and 1/1/2018 due to

poor recovery performance as Manager in 2016 and 2017, in line with the bank's established Recovery Criteria under the Promotion/Move-Over Policy for Managers. He emphasized that move-over isn't automatic based on seniority but depends on meeting specific performance standards, which the petitioner failed to do. While acknowledging receipt of the petitioner's appeal, the counsel asserted it lacked merit as his case was duly considered under the bank's policy. He also denied any promise of a future move-over. Regarding the cited High Court order, the counsel distinguished the petitioner's situation, stating that meeting recovery performance standards is a necessary condition for move-over, even for retirees. He dismissed allegations of constitutional rights violations or concealment of facts. Ultimately, the respondent bank's counsel concluded that the petitioner's demand for move-over and pension recalculation is unsustainable due to his failure to meet the required policy criteria, and therefore, the petition should be dismissed with costs, supported by attached policy documents and performance records.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The petitioner, who retired on 24th May 2018, submitted that he was eligible for move-over to the SVP scale effective 01/01/2017. He reached the maximum of his VP pay scale on 01/01/2016, following his promotion on 01/04/2015. Citing the ZTBL Placement Policy 1999, he submitted that employees at the maximum for over a year post-promotion qualify for the next move-over. Despite this, he was not included in the OM dated 13/02/2018, which granted move-overs to other colleagues, including retirees based on his recovery performance being as a Manager in the year 2016-2017.

6. Move-Over eligibility and criteria, as outlined in the policy, are that the staff with 7+ years of service or at their pay scale's maximum are assessed each January for a move-over. Advancement to the next pay scale occurs one year after reaching the maximum or after 8 years, contingent on meeting promotion criteria; that a higher pay scale does not automatically equate to a higher position until a vacancy arises. Pay in the new scale includes at least one increment. Move-over is not automatic based on time or reaching the maximum. It requires either 7+ years in the current role or reaching the pay scale maximum *and* a satisfactory service record. For subsequent moves after a promotion, the same conditions (7+ years or reaching maximum in the new role, plus satisfactory service) apply. If an eligible employee's move-over was not processed through no fault of employee, their case will be reviewed, and their pay will be adjusted as if the move-over had occurred while they were still employed.

7. The core argument is that the 1999 Move-over Policy entitles an employee to the next higher scale one year after reaching their maximum pay. Reaching the maximum is presented as an independent criterion, not subordinate to the eight-year service requirement. Thus, employees at their maximum should not be denied move-over solely for not completing eight years, as this is an alternative condition intended to prevent pay stagnation without promotion. In this case, the petitioner, who retired on 24th May 2018, claims SVP move-over eligibility from 01/01/2017. He reached his VP scale's maximum on 01/01/2016 (promoted 01/04/2015), and the ZTBL policy allows a move-over one year after reaching maximum post-promotion. However he was simply denied his moveover based on his recovery performance being as Manager in the year 2016-2017, which prima facie is against the merit based on the analogy that the employee is entitled to next higher scale one year after reaching maximum pay whereas petitioner reached his VP scale's maximum in the year 2016, however the denial is not based on merit, rather based on recovery, which can not be made an excuse to deny the benefit of move over policy by adding the provision in agenda item No.30 in Clause a and b which is conditional criteria cannot supersede the merit, thus the declining the request of the petitioner is not in consonance with the basic spirit of the policy.

8. This petition can be disposed of by directing the competent authority of the respondent to reconsider the petitioner's case for a move-over. This reconsideration should be based on the applicable policy and the benefits extended to similarly situated colleagues as outlined in the aforementioned Office Memorandum. The petitioner should be granted a hearing and the matter decided without discrimination within three months. Consequently, this petition is disposed of under these terms.

JUDGE

Head of the Constitution Benches