

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-4785 of 2013

(Anwaruddin Solangi & 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: 07.04.2025

Mr. Zulfiqar Ali advocate for the Petitioners.
Mr. Fazal-ur-Rehmen advocate for respondent Pakistan Steel
Ms. Wajiha Mehdi, Assistant Attorney General.

ORDER

Adnan-ul-Karim Memon, J: The petitioners ask this court to order the Respondents to recognize their prior service at Pakistan Steel from their original joining date, rather than treating their reappointment as Junior Officers in PSE-1(A) through internal induction as a fresh appointment.

2. The petitioners, having previously worked in various sections of Pakistan Steel (Respondent No. 2), were re-appointed as Junior Officers (PSE-1(A)) between 2001 and 2003 under a policy circulated by Respondent No. 2 on January 11, 1988, and September 3, 2001. This policy allowed workers with graduation qualifications to be considered for re-appointment within the Pakistan Steel Mill.

3. The petitioners' counsel argued that they sought redress from the respondents, both directly and through applications, requesting the continuation of their original service at Pakistan Steel instead of a fresh appointment as Junior Officers (PSE-1(A)) upon internal induction. Counsel further contended that this request for service continuity was ignored, despite similar treatment being granted to other workers in the 1990s, where their previous service was maintained upon reappointment without interruption, and gratuity payments were recovered in installments. The counsel emphasized that the petitioners are merely seeking equal treatment, as guaranteed by Article 25 of the Constitution, and concluded by requesting the court to allow the petition.

4. The Assistant Attorney General, Ms. Wajiha Mehdi, assisted by Mr. Fazal-ur-Rehmen advocate argued that in the absence of statutory rules for Pakistan Steel, the petition is not maintainable and may be dismissed outright, citing relevant legal precedent. They further stated that the 2001 circular invited internal applications from employees in PG-III to PG-VII meeting the criteria for reappointment as Junior Officers 1(A) as per the 1988 policy. They contended that the petitioners, finalized years

ago, are now belatedly seeking to leverage the situation by requesting consideration of their prior service, a request she deemed misconceived as it attempts to reopen settled transactions, and respondent No. 2 cannot act unlawfully. Therefore, they requested the petition's dismissal.

5. We have heard learned counsel for the parties on the maintainability of the petition and have perused the material available on record with their assistance.

6. The circular issued on September 3, 2001, explicitly stated the terms for internal induction to the Junior Officer 1 (a) grade, based on the policy of January 11, 1988. These terms stipulated that any selected employee would be freshly appointed without continuity of previous service and would need to settle all prior dues before joining the new post. As per this policy, the petitioners were re-appointed as JO-1(a), their dues were settled, and subsequently, they even benefited from elevation to a higher pay scale (MPSE-1) with pay protection and allowances. The respondent asserts that the petitioners' belated request to consider their past service is misconceived, as their cases were finalized years ago under the established policy, and these closed transactions cannot be reopened. Prima facie, there has been no discrimination, and the petitioners are not entitled to the consideration of their previous service, as their fresh appointments were conducted according to the internal induction circular. Having opted for a fresh appointment under these terms, receiving all previous dues, they cannot now claim a lien on their past service.

7. Since Pakistan Steel Mill is no more in operation since 2015 as such the case of the petitioner cannot be referred to the respondent for continuation of their services from the date of joining in Pakistan Steel.

8. For the reasons stated above, this court finds the petition to be without legal or factual foundation and therefore dismisses it. This court concurs with the respondents' position as contend in the comments, and their request is thus acceded to. All pending applications, if any, are also dismissed.

JUDGE

Head of Const. Benches