

IN THE HIGH COURT OF SINDH AT KARACHI
CP. No. D-2792 of 2015
(Muhammad Asif 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: 14.04.2025

Mr. Talha Abbasi advocate for the petitioner
Mr. Rizwan Saeed advocate for respondent No.2
Ms. Wajiha Mehdi Assistant Attorney General

ORDER

Adnan-ul-Karim Memon, J : The petitioner is a footballer who has represented Pakistan in several international events and is a coach for the KPT football team. According to Board Resolution No. 151 dated August 15, 1981, players who have played international games twice or more are entitled to a Grade-1 job to honor them and encourage their struggle. Following the Prime Minister's directives to regularize employees, the petitioner, who was serving in the Sports Department of Karachi Port Trust (KPT) on a stipend basis, was issued an appointment/regularization letter as Traffic Supervisor-I (KPT PS-06) on February 29, 2012. Despite submitting his joining report, which was accepted by the General Manager (Admin), the petitioner was not allowed to join duty. Subsequently, the petitioner was issued another appointment letter on August 24, 2012, for the position of Fireman (KPT PS-02), a much lower grade. He joined under protest due to a threat of cancellation of his appointment. A colleague of the petitioner, Taimour Ali, who was similarly treated, filed a court petition (CP No D-2873/2012) and was granted an appointment as Traffic Supervisor Grade II. The petitioner filed a representation to Chairman KPT on December 24, 2015, seeking the same treatment as his colleague, but received no response. Two other colleagues, who are not national color holders or international players, were appointed as Traffic Supervisor-II and later transferred to the sports department, highlighting discriminatory treatment against the petitioner.

2. The learned counsel for the petitioner argued that the respondents' actions were illegal, unlawful, unconstitutional, arbitrary, malafide, discriminatory, and violated principles of natural justice, equity, and fairness. The petitioner believes he is entitled to join as Traffic Supervisor-I based on his international sporting career and the Board Resolution. Petitioner's counsel argued that having been initially appointed as Traffic Supervisor-I, the subsequent appointment to a lower grade without justification is improper. The petitioner seeks a declaration that the

respondents' failure to appoint him as Traffic Supervisor-I is illegal and a direction from the court to allow him to join that position immediately.

3. The respondents' counsel argued that the appointment of the Petitioner and his colleague is currently under investigation by an inquiry committee. He contended that until this committee submits its report, the Petitioner and his colleagues are not entitled to any relief from this Court. Furthermore, he stated that the investigation is focused on various irregularities that allegedly occurred between April 23, 2010, and April 23, 2014, suggesting that the Petitioner's appointment itself might be implicated in these irregularities, thus disentitling him to any immediate favorable consideration from this court. In support of his contention, he relied upon the case of Muhammad Afzal Kousar v Federation of Pakistan **2019 PLC (CS) 1258** and argued that since the policy decision has been taken about the illegal appointment/regularization of officials in KPT by the Directors of Prime Minister officials as the KPT had already issued 877 show cause notices to the officials/officers, who as per counsel were illegally appointed, through the subject recruitment process, therefore this court cannot order for appointment of the petitioner as a Traffic Supervisor-I, at this stage we asked the counsel whether the candidate against whom show cause notice have been issued are serving in the KPT or otherwise, he candidly admitted that they are still serving due to intervention of this court in various petitions, however, KPT has taken up the matter with the Supreme Court and the said decision is pending.

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

5. The foundation of the petitioner's case rests upon the precedent established in the matter of the Taimur Ali Khan case (C.P No. 2873 of 2012). In that instance, KPT proposed a Grade-II Traffic Supervisor position with seniority commencing from January 1, 2014, while declining to pay retroactive salary. Despite Taimur Ali Khan's initial request for arrears, this Court ultimately mandated his immediate assumption of the offered role. The present petitioner seeks analogous relief based on the findings of the division bench of this Court, as such deviation at this stage is almost impossible as the matter is sub judice before the Supreme Court. Consequently, this petition can be resolved in the same manner, contingent upon the Chairman of KPT's impartial determination, following a hearing with the petitioner within a three-month time frame, that the petitioner's circumstances are comparable to those of the Taimur Ali Khan case as discussed supra.

6. This petition is now concluded under the conditions stated. However, it is explicitly understood that this arrangement is contingent upon the ultimate ruling of the Supreme Court, which is reportedly considering the matter based on show cause notices issued to various KPT employees, on such charges as those stated by the counsel for the KPT.

7. This petition stands disposed of in the above terms.

JUDGE

Head of Const. Benches