

IN THE HIGH COURT OF SINDH AT KARACHI
CP. No. D-609 of 2015
(Dr. Tasnim Ahsan v Province of Sindh & 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

Barrister Umaima Khan advocate for the Petitioner
Mr Khalash Waswani AAG
Ms. Wajiha Mehdi DAG

ORDER

Adnan-ul-Karim Memon, J: The Petitioner is a retired Executive Director at JPMC, who claims her deputation to the Sindh Government post-18th Amendment was unlawful due to JPMC's Federal status. Subsequently, the Sindh government issued a retirement notification dated 29.12.2014 for her, which she submits is illegal, defies this court's order in a related case, and lacks legal basis. The legality of JPMC's devolution and its employees' deputation is already contested in the Supreme Court as well as this Court case, with a status quo order protecting her employment terms. The Petitioner maintains that she remains a Federal government employee, and Sindh Government's attempt to retire her violates this order and her service rights, including better Federal retirement benefits. She submitted that the Sindh government's action is malicious, violates her fundamental rights and natural justice, and the retirement notification is void. She asks this court to declare the notification dated 29.12.2014 illegal and unconstitutional, and to restrain the Sindh government from retiring her and other JPMC employees.

2. The petitioner's counsel argued that this case challenges a retirement notification from December 29, 2014, issued while a related case (CP No. 1692 of 2011) was ongoing. The counsel highlighted that the Supreme Court of Pakistan, in its order dated January 16, 2019, regarding appeals against the Sindh High Court's decision (PLD 2017 Sindh 1487), declared the transfer/devolution of several institutions, including JPMC, to be unconstitutional and without legal effect. The Supreme Court's order also invalidated any actions inconsistent with this declaration. It mandated the Federal and Provincial Governments to return these institutions to the Federation within 90 days, restoring their pre-transfer status, including the resumption of all employees (serving and retired) by the Federation. The order stipulated continued operations under the existing framework until the transfer was complete, addressed financial matters, ongoing and completed contracts, potential financial disputes, and suspended relevant

provincial laws hindering the return. It also directed the formation of a committee for a smooth transition regarding employment terms and other related issues, and required the Federal Government to allocate necessary funds. Given this clear Supreme Court ruling, the petitioner's counsel requested the court to allow the current petition per the Supreme Court's directives.

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

4. This petition is being disposed of with the understanding that the Sindh government's retirement notification dated December 29, 2014, has already been implemented, and the petitioner has received some pension benefits. These benefits will be subject to the final outcome of the review petition regarding the core issue, which is currently pending before the Supreme Court between the Federal and Sindh governments. Therefore, this court will not delve into the merits of that underlying controversy at this stage, as the matter is sub judice. However, the respondent Sindh government is directed to abide by the Supreme Court's decision on their review application. The consequences of the Supreme Court's ruling (whether the review succeeds or fails) will then follow. This petition is disposed of in these terms.

JUDGE

Head of Const. Benches