

Order Sheet
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P.No.D-2457 OF 2016

Before:

Justice Muhammad Saleem Jessar.

Justice Nisar Ahmed Bhanbhro.

Petitioner: Through Mr. Ahsan Gul Dahri Advocate

Respondents: Through Mr. Shamsuddin Rajpar, Deputy Attorney General.

Date of hearing: 30.10.2025

Date of Decision: 30.10.2025

ORDER

NISAR AHMED BHANBHRO, J:- Through instant petition, the petitioner claims the following reliefs:-

“a) Declare that the promotion of the petitioner to the post of SSO-II (BPS-14) on 5% reserved quota in NTDCCL is legal, lawful and on merit and further declare that the impugned letters dated 05-08-2015 (Annexure "L") and dated 14-10-2015 (Annexure "M") issued by respondents No.7 & 9 respectively are unlawful, illegal, incompetent, unauthorized, unconstitutional, having no legal effect and set aside the same.

b) Direct the respondents to allow the petitioner to perform his duty as SSO-II (BPS-14) with all benefits and privileges of the post with immediate effect and release him all the back benefits w.e.f. his date of promotion i.e. 22-05-2016 and refund him all the recovered amount also forthwith.

c) Grant interim/ad-interim injunction thereby stay the process and operation of the impugned letters dated: 05.08.2015 and 14.10.2015 issued by the respondents in order to victimize the petitioner and the petitioner be allowed to perform his duty as SSO-II (BPS-14) with all benefits and privileges of the post and this Honourable Court further order for stoppage of further recovery from the salary of the petitioner.

d) Restrain the respondents No.1 to 9 from taking any coercive action against the petitioner, till the final disposal of instant petition, directly or indirectly, in any manner whatsoever and act in accordance with the law.

e). Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioner.”

2. At the very outset, learned counsel for the petitioner was put on notice to satisfy this Court as to the maintainability of the instant petition as admittedly the petitioner was working in State owned company and the relationship between the petitioner and the company was governed under the doctrine of Master and Servant.

3, Learned counsel for the petitioner contended that the respondent PEPCO was State owned Company and the services of the petitioner being governed under statutory rules therefore, the petition was maintainable.

4. Learned D.A.G submits that the petition is not maintainable and the relationship between the petitioner and the company is that of Master and Servant therefore, the petition may be dismissed.

5. Heard arguments and perused the material available on record.

6. Admittedly, the petitioner is employed in NTDC (National Transmission and Dispatch Company Ltd.) and working under the domain of the then PEPC (Pakistan Electric Power Company Ltd.) and the relationship between the petitioner and the company was that of Master and Servant, as such, in respect of the terms and conditions of the service cannot be issued against the respondents as held by the Hon'ble Supreme Court in the case of PEPCO (2022 SCMR 991).

7. For the aforementioned reasons, this petition being without merits being not maintainable is dismissed. However, the petitioner is liberty to initiate proceedings before the appropriate forum if, so advised.

8. Petition stands disposed of accordingly.

JUDGE

JUDGE

Ahmed/Pa,