

**IN THE HIGH COURT OF SINDH, KARACHI**  
**Constitutional Petition No.D-4792 of 2020**  
*(Rizwan Ashraf & 02 others versus Federation of Pakistan and others)*

Before:  
**Justice Muhammad Karim Khan Agha**  
**Justice Adnan-ul-Karim Memon**

**Date of hearing & order: 24.9.2025**

Dr. Shahnawaz Memon advocate for the petitioners  
Ms. Wajiha Mehdi, Assistant Attorney General

-----  
**ORDER**

**Adnan-ul-Karim Memon, J.** Petitioners have filed this Constitutional Petition with the following prayer(s): -

- (A) *To set aside office Memorandum No.F.No.1(3)/Imp/2017-500 dated 3<sup>rd</sup> July 2017 and Finance Division Office Memorandum No.F.1(5)/Imp/2011-419 dated 4<sup>th</sup> July 2011, thereby restoring special allowance equal to one running basic pay as approved by the then Prime Minister of Pakistan vide letter No. U.O No.6(162)/E&F.II/97 dated 13.10.1997. In the meantime, during the pendency of this petition to suspend its operation.*
- (B) *To direct the respondent Nos. 1 to 3 to grant allowances as are given to other law-enforcing agencies, i.e., FIA/NAB.*

2. Petitioners are Employees of the National Highways and Motorways Police (NH&MP) who are protesting the reduction of their special allowance. The allowance, originally an extra month's pay, was a key motivator for the force's reputation for "soft policing" and being corruption-free. The allowance was first frozen at the 2010 basic pay rate, causing a significant financial loss as salaries increased. Subsequently, it was reduced by 50%, resulting in a further substantial loss. The petitioners submitted that this action is causing them a monthly loss of nearly 30,000 /-compared to what they believe they are entitled to.

3. The counsel for the petitioners argues that the freezing and subsequent reduction of the special allowance for National Highways and Motorways Police (NH&MP) employees are illegal and unjust. The key points of the argument are that the government is bound by the principle of locus poenitentiae and cannot go back on its promise to grant a special allowance equivalent to one full basic pay. The employees had a legitimate expectation that this benefit would continue. He added that the allowance cuts are making it difficult for employees to support their families and are demotivating them, which goes against the principles of good governance. The NH&MP employees have been discriminated against in two ways, unlike other government servants, their special allowance was not merged into their basic pay. They were denied a 50% ad hoc relief allowance granted to other departments in 2010 because they were already receiving the special allowance, which was then later reduced. The counsel also highlighted that other departments, like the Federal Board of Revenue (FBR), received a 50% ad hoc allowance while NH&MP's allowance was frozen. The counsel concludes that there is no valid reason for such disparities between NH&MP employees and

other law enforcement agencies. In support of his contentions, learned counsel for the petitioners has relied upon the cases of Federation of Pakistan v. Ammar Textile Mills (Pvt.) Ltd. (2002 SCMR 510), National Saving Central Directorate v. Muhammad Farooq Raja (PLD 2021 SC 320), Uzma Manzoor v. Vice-Chancellor Khushal Khan Khattak University (2022 SCMR 694), Muhammad Wassay Tareen v. Government of Balochistan (2023 PLC (C.S.) 457), Munawar Hussain Toori v. Government of Pakistan (2025 PLC (C.S.) 129), Secretary Law and Prosecution Gilgit-Baltistan v. Aslam Khan, Superintendent, Customs and Banking Court, Gilgit (2016 GBLR 37), All Staff / Members of National Accountability Court, Gilgit-Baltistan v. Government of Gilgit-Baltistan (2017 PLC (C.S.) Note 113) and judgment dated 20.3.2025 passed in Constitutional Petition No. D-181 of 2019. Therefore, the counsel requested that the petition be allowed.

4. The Assistant Attorney General (AAG) argued that the freezing and subsequent reduction of the special allowance for the National Highways and Motorways Police (NH&MP) were legitimate and not discriminatory. The AAG's main points are that the special allowance was frozen to prevent an uncontrolled rise in expenditure as basic pay increased. The Cabinet approved the 2017 pay scale and its associated budget, and any changes would require the same level of approval. The AAG stated that the NH&MP employees were treated similarly to other federal government employees who were receiving a 100% allowance. They were given the option to either have their pay refixed under the new 2017 pay scale (which resulted in the reduction of the frozen allowance) or continue under the old pay scales. The AAG claimed that the new dispensation was actually more advantageous as the increased basic pay counts toward emoluments, which the former allowances did not. The AAG cited a 2015 Peshawar High Court order that upheld this policy. She also warned that granting the petitioners' request would open the door for similar demands from other organizations, such as ICT Police and ASF, which would be financially unfeasible. The AAG requested that this petition be dismissed, as the allowances are being paid as per the President's sanction, either by being merged into the basic pay or at a frozen level.

5. We have heard learned counsel for the parties and considered the record with their assistance.

6. The petitioners want their Special Allowance, frozen since 2011 and reduced in 2017, to be unfrozen. The government's position is that these actions were necessary for budgetary reasons. They submit that the allowance was frozen to prevent an unbudgeted increase when new pay scales were introduced. The subsequent reduction was part of a 2017 policy, approved by the Prime Minister's Cabinet, that merged ad hoc allowances into basic pay, a move claimed to be a benefit. The government maintains that this policy was/is not discriminatory, as it

was /is applied to all similar federal employees, and reversing it would be financially unsustainable.

7. The question for our determination is whether this court can create significant financial burdens on the Federal government by ordering immediate payments of Special Allowance to the petitioners, for which there is no budgetary provision. In addition, whether fixing government salaries/allowances falls within government policy, and should not be disturbed by the Courts by creating a financial liability that the government is not prepared to bear.

8. The government froze a special allowance for petitioners in 2011 and reduced it in 2017. This court is hesitant to create new financial obligations or interfere with government salary policies, as matters of financial allocation and increases in administrative expenses, including the petitioner's remuneration, are government policy decisions that require approval from the Finance Department. The petitioners received all the benefits they were entitled to under government regulations. There was no discrimination, as the benefits were/are consistent with their status as per the terms and conditions of their services. The government has the authority to revise pay and allowances and to freeze special pay and allowances at their current levels. Additionally, the government has the right to make its own financial decisions regarding allowances. Furthermore, equality does not mean everyone receives the same benefits; allowances can be specific to certain categories or departments, like the Special Judicial Allowance in terms of Articles 81, 82, 121, and 122 of the Constitution.

9. Article 199 of the Constitution grants this Court extraordinary jurisdiction to issue various orders, including a writ of mandamus, which is what the petitioners are essentially seeking: a direction to the government to perform a public duty to defreeze the subject allowance. Primarily, this court's role is not to rewrite policy or interfere with the executive's financial decisions unless a clear violation of law or fundamental rights is proven which is not the case at hand. The government actions were not "without lawful authority" because the new pay scale and the freezing/reduction of allowances were approved by the Cabinet, the highest executive body, and they acted within their lawful powers to manage the budget and government affairs. We do not see that the government's policy is discriminatory and violates the petitioner's legitimate expectations. Prima facie, the government acted within its lawful authority for budgetary reasons. No interference on our part at this stage is required under Article 199 of the Constitution.

10. For the above reasons, this petition is dismissed along with pending application(s).

JUDGE

HEAD OF CONST. BENCHES