

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.2236 of 2014

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| Date | Order with signature of Judge |
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1. For hearing of CMA No.15184/2014.
2. For hearing of CMA No.14851/2014.

04.12.2014.

Mr. Muhammad Ali Lakhani, advocate for the Plaintiffs.

1. Learned counsel for the Plaintiff claims that there is a flagrant violation of the Policy of promotion in the Respondent/Company, which is available at Page 77 of the file as Annexure A-1/2. The main contention of the learned counsel for the Plaintiffs is that in the Board Meeting held on 10.11.2014 and 11.11.2014 certain staff members details are mentioned in the Annexures A-1/10, have been considered for promotion. Learned counsel for the Plaintiffs has contended that their promotions are against the vested rights of the Plaintiffs since the Plaintiffs have not been considered in these meeting. However, the finalization of the result of promotion by said Board Meetings have not been announced so far. The question of promotion is not the vested rights and it is always discretion of the Management to apply criteria in the best interest of the administration. However, the Rules have to be followed by the Management and if somebody has grievance for non-application of Rules through which he is being deprived as against the others who are considered in the Promotion Board Meeting, they are entitled to contest promotion of others and challenge the board meeting in which they were not considered in violation of Policy. The persons who would be effected parties in case any orders passed by this Court in the

present proceedings have been mentioned in Annexure A-1/10 and A-1/11 and, therefore, before passing any interim order, they shall be put on notice, the learned counsel for the Plaintiffs is, therefore, directed to implead them before seeking any order which may adversely affect their concern in the Defendant Corporation. If there can be 94 Plaintiffs, there can be even more defendants. Consequently, this application is deferred till impleading the possible effectees of outcome of this Suit.

2. Learned counsel for the Plaintiffs says that the Defendant may be directed to act in accordance with law and implement the Policy dated 28.08.2007 (Annexure A-1/2) without fail and discriminating against the other employees (the Plaintiffs), who are entitled to be benefited by the Policy. It is expected that the Defendant will act according to law and Policy. Consequently, this application stands disposed off with the directions to the Defendant to refrain from conducting their affairs contrary to law and the Policy.

JUDGE

MUBASHIR