

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI
(CONSTITUTIONAL JURISDICTION)

Constitution Petition No. 3818 of 2012

Presented on 17-9-12

1. Pakistan Institute of Labour
Education & Research,
Registered under the Voluntary Social
Welfare Agencies Ordinance, 1961,
registered office at PILER Centre,
ST-001, Sector X, Sub-Sector V,
Gulshan-e-Maymar,
Karachi-75340
2. Pakistan Fisher Folk Forum,
a Society registered under the
Societies Registration Act XXI of 1860,
having its Head Office at Sachal Hall,
Ibrahim Hyderi, Bin Qasim Town,
Karachi
3. National Trade Union Federation (REGD),
a Federation registered under the
Industrial Relations Ordinance, 2007,
having its office at 628 Mashriq Centre,
Gulshan-e-Iqbal, Block No. 14,
National Stadium Road,
Karachi
4. Hozzry Garments Textile
& General Workers Union,
a Trade Union registered under the
Industrial Relation (Revival and
Amendment) Act, 2010,
having its office at D-695,
Orangi Town,
Karachi
5. Human Rights Commission of Pakistan
A Society, registered under the
Societies Registration Act XXI of 1860,
having its Head Office at Unit No. 8,
First Floor, Ilaco House, Abdullah Haroon Road,
Saddar, Karachi
6. Javed Iqbal Burki
Son of (late) Muhammad Deen,
Muslim, Adult,
Resident of 14/10-4A,
Nazimabad,
Karachi.....

Petitioners

Versus

Federation of Pakistan
Through the Secretary.



Ministry of National Regulations & Services,
Constitution Avenue,
Islamabad

2. Province of Sindh
Through the Chief Secretary,
Government of Sindh,
Sindh Secretariat,
Karachi

3. Province of Sindh
Through the Secretary,
Ministry of Labour,
Government of Sindh,
Sindh Secretariat,
Karachi

4. Province of Sindh
Through the Secretary,
Ministry of Health,
Government of Sindh,
Sindh Secretariat,
Karachi

5. Province of Sindh
Through the Home Secretary,
Government of Sindh,
Sindh Secretariat,
Karachi

6. Sindh Industrial Trading Estate
Through the Secretary,
Manghopir Road,
S.I.T.E.,
Karachi

7. Qaim Ali Shah
Son of unknown,
Muslim, Adult,
Chief Minister of Sindh,
Resident at Chief Minister House,
Near Sheraton Hotel,
Karachi

8. I.G. Sindh
Sindh Police
Police Head Office,
I.I. Chundrigar Road,
Karachi

9. National Disaster Management Authority
Through the Chairperson,
Prime Minister's Secretariat,
Constitution Avenue,
Islamabad

10. Provincial Disaster Management Authority
Through the Chairperson,
C-52, Block 2, K.D.A. Scheme No.5,
Karachi



359

- 361
11. Karachi Metropolitan Corporation
Through the Commissioner Karachi,
Civic Centre Building, Hasan Square,
Gulshan-e-Iqbal, Karachi
 12. Sindh Building Control Authority
Through the Director General,
Annexe to the Civic Centre Building,
Hasan Square, Gulshan-e-Iqbal,
Karachi
 13. Abdul Aziz
Son of Ali Muhammad,
Muslim, Adult, Resident of
House No. 31/11, Street No.30,
Off Khayaban-e-Shamsheer,
Phase-V Extension, D.H.A.,
Karachi
 14. Arshad Abdul Aziz
Son of Abdul Aziz Bhaila,
Muslim, Adult, Resident of
House No. 31/11, Street No.30,
Off Khayaban-e-Shamsheer,
Phase-V Extension, D.H.A.,
Karachi
 15. Shahid Abdul Aziz
Son of Abdul Aziz Bhaila,
Muslim, Adult, Resident of
House No. 29/111, Sabah Avenue,
Phase-V Extension, D.H.A.,
Karachi
 16. State Bank of Pakistan
Through the Governor,
State Bank Building,
I.I. Chundrigar Road,
Karachi



..... Respondents

CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitution Petition No.D-3318 of 2012

Date

Order with signature of Judge

363

Hearing / Priority

1. For order on CMA No.5075/2016 (Urgent).
2. For order on Nazir Report dated 15.01.2016.
3. For order on Nazir Report dated 03.12.2015.
4. For order on CMA No.31201/2015.
5. For order on CMA No.29495/2015.
6. For order on Nazir Report dated 04.8.2015.
7. For order on CMA No.15441/2015.
8. For order on Nazir Report dated 06.02.2016.
9. For hearing of CMA No.27424/2014.
10. For hearing of CMA No.21876/2014.
11. For hearing of CMA No.21877/2014.
12. For hearing of CMA No.23737/2014.
13. For hearing of CMA No.4560/2013.
14. For hearing of CMA No.43104/2012.
15. For hearing of CMA No.40299/2012.
16. For hearing of CMA No.24957/2012.
17. For hearing of CMA No.43105/2012.
18. For hearing of Main Case.

16.03.2016

Mr. Faisal Siddiqui, Advocate for Petitioner in C.P. No.D-3318/2012.

Mr. Salman Talibuddin, Additional Attorney General for Pakistan.

Mr. Ghulam Mustafa Mahesar, AAG Sindh.

Mr. Zafar Ahmed Khan, Addl. Prosecutor General Sindh.

Mr. Sartaj Malgani, Advocate for SBICA.

Mr. Muhammad Mahmood Sultan Khan Yousfi, Advocate for KW&SB.

Mr. Ijaz Ahmed, Advocate for Respondents No.14&15.

Mr. Amir Raza Naqvi, Advocate for Respondent No.14&15.

Mr. Muhammad Tamaz Khan, Advocate for Applicant Mst.Ameeran Bibi.

Mr. Khaleeq Ahmed, Advocate.

Mr. Sadruddin A. Bohyo, Nazir of this Court.

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1. All present after going through the Nazir report seek disposal of this petition, as according to them, the purpose of filing this petition stands served. It is stated that the claims of all the

deceased as well as injured stand settled. Some of the legal heirs have withdrawn the amounts of their shares and some have yet to withdraw. Additionally the amount belonging to the minors still is lying with the Nazir and has been invested. It is proposed that the amount of compensation granted to the legal heirs of deceased, who have not yet approached, be also deposited in some profit bearing scheme till they approach. Order accordingly.

365

2. Mr. Faisal Siddiqui further contends that Nazir be directed to prepare a list of the minors including the persons whose shares are still lying and invested by the Nazir so that such list can be distributed to the association as well as to claimants apprising that the amount belonging to them is safely invested and can be withdrawn after fulfilling codal formalities.
3. It also appears that some extra amount is lying with the Nazir, from the first tranche a sum of Rs.1.1 Million and from the second tranche a sum of Rs.2.000 Million. It is submitted that the amount of compensation on the basis of initial report was for 259 deceased, which after scrutinizing the record were held to be 255 by the learned Commissioner. Consequently a sum of Rs.2 Million is lying with the Nazir of this Court making total available amount of Rs.3.1 Million.
4. Nazir has also claimed his fees and all present say that out of such excess amount, a reasonable amount can be assigned towards Nazir fees. Consequently a sum of Rs.500,000/- is assigned accordingly.



5. It has also come on record that one injured Mst. Nazia D/o Majeed Hussain, who has sustained injuries and was paid from the first tranche a sum of Rs.125,000/-, has expired. Though it is not determinable that her death was on account of the injuries sustained in Baldia Town incident. However, her mother Mst. Amceran Bibi claimed so and all present including learned Additional Attorney General and AAG have jointly conceded that out of extra amount, a sum of Rs.400,000/- be paid to the legal heirs of Mst. Nazia. Order accordingly.

6. As to Paragraph No.8 of Nazir Report dated 15.01.2016, Nazir of this Court was heard. He has submitted that the legal heirs of deceased Muhammad Muslim are residents of Bangladesh and they have requested that the money be given to his brother, however, this would require their appearance and/or permission from the State Bank of Pakistan, therefore, as and when the legal heirs appear before the Nazir the amount accordingly would be disbursed.

As to the second issue, Nazir says that the controversy stands resolved, as the legal heir of deceased Muhammad Waqas, namely, Mst. Nasra Bibi has received her due share.

8. As to the third point, Nazir has submitted that the correct name of legal heirs of deceased Shahzad Junaid was Mst. Sirajunnisa, but her name was mentioned by the Commission as Mst. Mehrunnisa. He further states that original NIC was produced before him which was verified and found genuine and general verification was also made, therefore, he may be allowed to make payment of compensation from both the tranches to Mst.

127
SES
369
Sirajunnisa. Let the Nazir after his satisfaction regarding the name of legal heir of deceased Shahzad Junaid disburses the payment accordingly.

9. As to the fourth point, Nazir submits that the legal heir of deceased Muhammad Shahbaz was his mother, who married twice, first with Muhammad Umar and, thereafter, with Mati-ur-Rehman. In the Commissioner report the name of her husband was mentioned as Mati-ur-Rehman, whereas, her NIC reflects the name of her husband as Muhammad Umar, who was the father of the deceased in the instant petition. Let the share of mother be paid, whereas, the share of father be invested accordingly.



Farhan/PS

Sd/ CHIEF JUSTICE

Sd/ JUDGE