

IN THE SUPREME COURT OF PAKISTAN  
(REVIEW JURISDICTION)

**PRESENT:** MR. JUSTICE MIAN SAQIB NISAR, HCJ  
MR. JUSTICE UMAR ATA BANDIAL  
MR. JUSTICE IJAZ UL AHSAN

**C.R.P.No.70/2018 in C.M.Appeal No.203/2016 in S.M.C.No.20/2016, C.R.P.No.71/2018 in C.M.A.No.2656/2017 in C.M.A.No.1253/2017 in S.M.C.No.20/2016, C.R.P.No.72/2018 in C.M.A.No.8404/2016 in S.M.C.No.20/2016, C.R.P.No.82/2018 in C.M.A.No.8234/2017 in S.M.C.No.20/2016, C.R.P.No.83/2018 in C.M.A.No.9312/2017 in S.M.C.No.20/2016, C.R.P.No.84/2018 in C.M.A.No.9313/2017 in S.M.C.No.20/2016, C.R.P.No.85/2018 in C.M.A.No.9314/2017 in S.M.C.No.20/2016 and C.M.A.No.2416/2018 in C.M.A.No.883/2018 in S.M.C.No.20/2016**

(Against the judgment of this Court dated 13.02.2018)

- C.R.P.70/2018: Khan Muhammad Khan Vs. Islamic Republic of Pakistan through President of Pakistan & others
- C.R.P.71/2018: Application Nazar Abbas Shah Vs. United Bank Limited through its Manager & Operations Manager
- C.R.P.72/2018: Allied Bank Ltd. Vs. Farrukh Niaz
- C.R.P.82/2018: Application by Muhammad Farooq Vs. Allied Bank Ltd.
- C.R.P.83/2018: Application by Ghulam Hussain & others Vs. Allied Bank Ltd.
- C.R.P.84/2018: Application by Walayat Hussain *alias* Raza Butt Vs. Allied Bank Ltd.
- C.R.P.85/2018: Application by Abdul Jabbar and others Vs. Allied Bank Ltd. through its president
- C.M.A.2416/2018: Application by Muhammad Anwar and others

For the petitioner(s):

(in CRP 99/18/ &  
CMA 2647/18)  
(CRP 100/2018)

Mr. Salman Aslam Butt, Sr. ASC

(CRP 101/18)

Syed Ali Zafar, ASC.

Mr. Tariq Aziz, AOR.

Mr. Ahmed Awais, ASC.

(CRP 72/18)

Syed Rifaqat Hussain Shah, AOR.

Mr. Shahid Anwar Bajwa, ASC.

Mr. M. S. Khattak, AOR

(CMA 2416/18)

Mr. Babar A. Khilji, ASC.

(CRPs 82-85/18)

Mr. Tariq Mehmood Khokhar, ASC.

Syed Rifaqat Hussain Shah, AOR

(CRP 70/18)

In-person

(CRP 71/18)

Nemo.

For the respondent(s)/

On Court's Notice:

Mr. Zahid Hussain, General Manager MCB

Mr. Adnan Afzal, Unit Head UBL  
Mr. Atif Izhar, Group Head HR, ABL  
Rana Asif, Manager Industrial Relations ABL

Date of hearing: 3.4.2018

**ORDER**

**MIAN SAQIB NISAR, CJ.-**

**10:30 a.m.:**

Our judgment dated 13.2.2018 has not been complied with till date. The review petitions though have been filed against the said judgment but no interim relief has been granted therein to suspend the judgment under review. Let the Chief Executive Officers of HBL, ABL, UBL and MCB be present in the Court at **6:30 p.m. today**, or in lieu thereof, an undertaking be made by the said Banks to the effect that the judgment dated 13.2.2018 shall be complied with in letter and spirit.

**6:30 p.m.:**

2. Pursuant to our above order in the morning, Mr. Salman Aslam Butt, learned Sr. ASC present in Court has placed on the record the written undertakings on behalf of UBL and MCB, which are scanned as under:

 where you come first

**IN THE SUPREME COURT OF PAKISTAN**  
[Original Jurisdiction]

Civil Review Petition No. \_\_\_\_ 2018

In

S.M.C. No.20/2016

**SUO MOTO CASE NO. 20 OF 2016 AND HUMAN RIGHTS CASES NO. 7094-P, 26591-P, 15518-P/2015, 25917-S AND 26282-S/2016 AND 3910-IC, 3911-S, 3912-P, 3913-G AND 3914-P/2018 AND CONSTITUTIONAL PETITION NO. 45/2016 AND C.M. APPEAL NO. 203/2016 IN CONST.P.NO.NIL/2016 AND CIVIL MISC. APPLICATIONS NO. 7394 & 7484/2016 AND 141, 288, 3772, 3374, 892, 1496, 2076, 2655, 2656, 3797, 3912, 3913, 4252, 4253, 4254, 4291, 8234, 9172, 9312, 9313 & 9314/2017 AND 57, 45, 301, 381, 454, 577, 511, 592, 593, 652, 653, 654, 727, 728, 735, 777, 778, 779, 813, 780 & 883/2018**

**UNDERTAKING**

The order dated February 13, 2018 of the Honorable Supreme Court of Pakistan passed in the subject proceedings shall be implemented forthwith, as directed. The payments made to all eligible pensioners in pursuance of the above order shall, however, be subject to and without prejudice to the final determination of Bank's plea.

Dated: 3 April 2018

For and on behalf of: United Bank Limited



Name: Sima Kamil  
Designation: President & CEO

United Bank Limited  
SRL Head Office Building, 21<sup>st</sup> Floor, 51, Chundrigar Road, Karachi, Pakistan  
(92-21) 32417021-22 & (92-21) 32419490 www.ublbank.com UBLUnitedBank.LB



**IN THE SUPREME COURT OF PAKISTAN**  
[Original Jurisdiction]

**SUO MOTO CASE NO. 20 OF 2016**

**UNDERTAKING ON BEHALF OF MCB BANK LTD**

We do hereby undertake to implement the order dated February 13, 2018 of this August Court passed in the subject proceedings in respect of Bank's ex-employees who are receiving pension from the Bank.

The payments made in pursuance of the above order shall, however, be subject to the final adjudication of the Review Petitions pending in this regard.

Dated:

For and on behalf of MCB BANK LTD

*Inuran Maqbool* - President & CEO.

Name:

Designation:



3. On account of the above, we hold that the judgment under review shall be implemented in letter and spirit. However, after hearing the learned counsel representing the Banks and going through the contents of the review petitions, we do not find any merit in these review petitions, which are accordingly dismissed but with one clarification, on the request of the learned counsel, that the implementation shall be made with regard to the persons who have been retired/retrrenched by the respective Banks but the same shall not be done regarding the persons who left the Banks on the basis of the Golden Handshake Scheme (GHSS) because those who have received the benefits of the GHSS do not fall within the said category, and thus are not entitled to the said benefit of increase in pension. It is further clarified that pensionary benefits under our judgment dated 13.2.2018 will be paid to the 5416 retrrenched employees of UBL whose services were terminated under the retrrenchment scheme dated 10.10.1997, if they qualified on the said date in terms of having served the bank for ten years.

4. Syed Ali Zafar, learned ASC representing HBL has placed on the record the following undertaking:

**IN THE SUPREME COURT OF PAKISTAN**  
[Original Jurisdiction]

Civil Review Petition No. 100 2018

In

S.M.C. No.20/2016

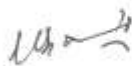
**SUO MOTO CASE NO. 20 OF 2016 AND HUMAN RIGHTS  
CASES NO. 7094-P, 26591-P, 15518-P/2015, 25917-S AND 26252-  
S/2016 AND 3910-K, 3911-S, 3912-P, 3913-G AND 3914-P/2018  
AND CONSTITUTIONAL PETITION NO. 45/2016 AND C.M.  
APPEAL NO. 203/2016 IN CONST.P.NO.NIL/2016 AND CIVIL  
MISC. APPLICATIONS NO. 7394 & 7484/2016 AND 141, 288,  
3772, 3374, 892, 1496, 2076, 2655, 2656, 3797, 3912, 3913, 4252,  
4253, 4254, 4291, 8234, 9172, 9312, 9313 & 9314/2017 AND 57, 45,  
301, 381, 454, 577, 511, 592, 593, 652, 653, 654, 727, 728, 735, 777,  
778, 779, 813, 780 & 883/2018**

**UNDERTAKING**

The order dated February 13, 2018 of the Honorable Supreme Court of Pakistan passed in the subject proceedings shall be implemented forthwith. The payments made in pursuance of the above order shall, however, be subject to the final adjudication of the Review Petitions filed by the Bank.

Dated: 03/04/2018

**For and on behalf of Habib Bank Limited**



Name: **MUHAMMAD UBAID MALL**  
Senior Manager Litigation  
Designation: **Habib Bank Limited**  
Islamabad



Name: **MUHAMMAD ALI**  
Head-Distribution  
Designation: **Pakistan & Chief Representative**  
Islamabad

He states that during the course of hearing of the matter as per paragraph 2(v)(c) of the proposal submitted by him, some clarification of the judgment under review is required, suffice it to say that this by itself is no ground for review. No case for review has been made out. The review petition is accordingly dismissed. However, if any person, who is entitled to the pension in terms of the said judgment, if not paid, may

approach this Court for enforcement of his right and that matter shall be decided independently.

5. Mr. Shahid Anwar Bajwa, learned ASC representing Allied Bank Limited, has also placed on the record the following undertaking:

Civil Review Petition No. 72 of 2018

In

S.M.C. No. 20/2016

**SUO MOTO CASE NO. 20 OF 2016 AND HUMAN RIGHTS CASES NO. 7094-P, 26591-P, 15518-P/2015, 25917-S AND 26252-S/2016 AND 3910-K, 3911-S, 3912-P, 3913-G AND 3914-P/2018 AND CONSTITUTIONAL PETITION NO. 45/2016 AND C.M. APPEAL NO. 203/2016 IN CONST.P.NO.NIL/2016 AND CIVIL MISC. APPLICATIONS NO. 7394 & 7484/2016 AND 141, 288, 3772, 3374, 892, 1496, 2076, 2655, 2656, 3797, 3912, 3913, 4252, 4253, 4254, 4291, 8234, 9172, 9312, 9313 & 9314/2017 AND 57, 45, 301, 381, 454, 577, 511, 592, 593, 652, 653, 654, 727, 728, 735, 777, 778, 779, 813, 780 & 883/2018**

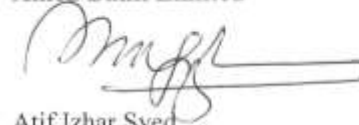
**UNDERTAKING**

The Order dated February 13, 2018 of the Honorable Supreme Court of Pakistan passed in the subject proceedings shall be implemented forthwith, as directed. The payments to all eligible pensioners in pursuance of the above order shall, however, be subject to and without prejudice to the final determination of bank's plea.

Dated: 3<sup>rd</sup> April, 2018

**For and on behalf of**

**Allied Bank Limited**



Atif Izhar Syed

Attorney on behalf of

Allied Bank Limited

He states that a clarification is required regarding those employees who have received 50% commutation of their pension; suffice it to say that this by itself is no ground for review. No case for review has been made out. The review petition is accordingly dismissed. However, if any person who is not paid pension which he feels entitled under the judgment may

approach this Court for the enforcement of his right on that basis, this aspect of the matter shall be considered independently.

6. No case for review has been made out in all other review petitions. The review petitions and miscellaneous applications/appeals are accordingly dismissed.

CHIEF JUSTICE

JUDGE

JUDGE

ISLAMABAD.

3<sup>rd</sup> April, 2018.

Not approved for reporting

Mudassar/☆