

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD

C.P No.D-2258 of 2014

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For orders on M.A 17904/16

**06.11.2017.**

Mr. Ashfaqe Nabi Kazi, Advocate for petitioner.

Mr. Lutufullah Arain, D.A.G. alongwith Mr. Muhammad Tariq Director (Legal), National Savings, Islamabad.

This petition was disposed of by the order dated 08.10.2015 and the operative part of which is as under;-

*“We, therefore, direct the respondents to decide the grievance of the petitioner in accordance with law in terms of notification dated 24.01.2013 and the letter dated 10.04.2014 of respondents referred to above. Copy of this order and the order passed on 13.08.2015 be communicated to the respondents No.2 and 3 for information and compliance. The time frame given in the earlier order of 60 days is to be started from the date of receipt of the order passed today.*

*In view of above, the review application stands disposed of”*

It seems that thereafter the petitioner filed the listed application for contempt of that order. In response, the department has filed a statement alongwith the annexures stating that the case of the petitioner was considered in terms of notification dated 24.01.2013 and she was promoted against upgraded post of Joint Director (BPS-19) since 01.12.2014.

Learned Counsel for the petitioner has argued that the compliance of the said order has not been made in letter and spirit as the petitioner’s post has been upgraded alongwith other colleagues and her case in terms of Notification dated 24.01.2013 and representation which is mentioned in the letter dated 10.04.2014 by the Assistant Director (Admin) has not been considered. He has relied upon the case law reported as 2017 SCMR 890.

Mr. Muhammad Tariq Director (Legal), National Savings, Islamabad in rebuttal has contended that during pendency of this petition, the petitioner retired on 18.01.2015, but this fact was not brought on record and her case now could be considered under F.R 17 Civil Servants Act.

We have considered the submissions of learned Counsel for the petitioner and Director Legal and have gone through the material placed on record, which reflects that the petitioner was promoted against the post of Joint Director (BPS-19) upgraded in terms of Notification dated 24.01.2013 with immediate effect vide Notification dated 01.12.2014 i.e after petitioner's representation mentioned in letter dated 10.04.2014; the petitioner retired on 18.01.2015 soon after filing of this petition, which was instituted on 16.12.2014, but the petitioner at the time of passing of earlier orders, had not disclosed such facts. Moreover, in pursuance of order dated 13.08.2015, the case of the petitioner was considered as is reflected from the order dated 22.09.2015, issued by Acting Finance Secretary, Government of Pakistan Finance Division Islamabad, whereby the subject appeal / representation of the petitioner has been rejected. In such a view of the matter, the order dated 13.08.2015 has been substantially complied with and in our view no case for contempt of Court is made out. With these observations, the application is disposed of. However, if the petitioner still feels aggrieved of dismissal of her appeal / representation, she may avail remedy, if any, available to her before the competent forum in accordance with law, if she so desires.

JUDGE

JUDGE