

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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vide notification dated 12.02.2025 issued in compliance of the order dated 10.10.2024 passed in C.P. No.D-404/2023. It is further contended that the department considered the promotions of officers for the post of Senior Conservation Officer BS-19, which is purely the post of engineering cadre and the petitioner is not qualified to hold such position as he does not possess the degree in engineering accredited by Pakistan Engineering Council. Respondent No.2 has further submitted that as per Section-27 of the Pakistan Engineering Council Act, the Engineering Cadre post can only be held by a person having the requisite qualification in the engineering discipline, therefore, the petitioner, being not qualified, was not considered for the post of Senior Conversation Officer (BPS-19).

5. Mr. Talha Abbasi, learned counsel for the petitioner contended that the petitioner was qualified to be promoted to the post of Conversation Officer (BPS-19) on administration side as he possessed the required qualification. He contended that the Respondent No.2 flouted the court's order dated 26.03.2025 by not considering the petitioner for the post of Conservation Officer (BPS-19). He referred to the Notification dated 13.11.2019 wherein the method of appointment to the Senior Conversation Officer was determined by the department.

6. Mr. K.A. Waswani, learned Assistant Advocate General Sindh so assisted by Mr. Ashraf Ali Mirani, Law Officer of the department contended that no case for initiating the contempt proceedings was made out as the orders passed by this Court were duly complied with and petitioner was not found eligible to be considered for the promotion.

7. Heard arguments, perused material on record.

8. Perusal of the order dated 26.03.2025 revealed that this Court had directed the department to consider the case of the petitioner for promotion to the next grade if he was found duly qualified having requisite length of service for promotion to the next grade. Respondent No.2 in its reply submitted that the post of the Senior Conversation Officer (BPS-19) belonged to the engineering cadre wherein an officer having a particular degree in engineering was only qualified to be promoted from amongst the

Conversation Officers as required under Section-27 of the Pakistan Engineering Council.

9. Meticulous perusal of the record transpired that the case of the petitioner was considered for promotion by the department but he was not found eligible to be promoted to the next grade on account of his qualification as the post wherein the cases of the officers for the promotion were considered required qualification of degree in engineering discipline.

10. Hon'ble Supreme Court in the case of Maula Bux Shaikh v. the Chief Secretary Government of Sindh reported in 2018 SCMR 2098 has held as under:-

“23. The net result of above discussion is that this petition fails. It is dismissed and leave refused, however with note of caution that government shall not allow or permit any person to perform professional engineering work as defined in the PEC Act, who does not possess accredited engineering qualification from the accredited engineering institution and his name is not registered as a registered engineer or professional engineer under the PEC Act.”

11. We are, therefore, of the considered view that the petitioner was not qualified to be promoted to the position which required the qualification of an officer holding engineering degree and admittedly the petitioner did not possess any degree in any engineering discipline. No case for initiation of the contempt proceedings is made out, therefore, this contempt application is dismissed.

JUDGE

JUDGE

Ayaz Gul