ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No. D-5235/2015

Date Order with signature of Judge

Present

Mr. Justice Muhammad Ali Mazhar Mr. Justice Abdul Ghani Soomro

Muhammad Mithal Jokhio & others Petitioners

VERSUS

Province of Sindh & others Respondents

Date of hearing: 17.08.2016

Mr. Hussain Bux Saryo, Advocate a/w the Petitioners. Mr. Abdul Jalil Zubedi, A.A.G. a/w Mr. Jawed Pervez, Admin. Officer, Sindh Local Government Board.

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Muhammad Ali Mazhar, J: The prayer of the petitioners is for declaration against the respondents that they are entitled for promotion from BS-07 to BS-8 and then up-gradation to BS-11 as done by other provinces for the similar placed employees. The learned counsel for the petitioners referred to Page 35 of the petition, which is a Summary moved to the Chief Minister Sindh for up-gradation of post of Secretaries Union Councils in Sindh. He further referred to paragraph 4 of the Summary, which is reproduced as under:

"It would not be out of place to mention that in other provinces the post of Secretary Union Council is in BS-11, in this connection it would evince that the Secretaries Union Councils have a cause for up-gradation as their chances of promotion even after rendering more than 20 years of service to higher grade posts are very bleak. Therefore, a Service Structure Committee was constituted to consider future prospects of Secretary, Union Council. The concerned after deliberation recommended up-gradation of the post of Secretary, Union Council and thereafter the matter was placed before the Board in its meeting dated 13.7.2006. The

Board vide item No.01 of the minutes of the meeting has resolved as under:

- a) 1108 posts of Secretary Union Council (BS-7) SCU (Admn Br) through out the province be placed in BS-8 with immediate effect and the tier of BS-7 be done away with.
- b) The Next channel of promotion of Secretary Union Council would be from BS-8 to BS-11 on seniority-cumfitness basis.
- c) Qualification and ratio of appointment/recruitment/promotion shall be as under: (-----)"
- 2. The respondents have filed their comments in which the employment status of the petitioners has not been denied. It is further stated in the same comments that tentative Seniority List of BS-7 of SCUG Services has been issued on 09.05.2016. The cases for promotion shall be considered after issuance of final seniority list. It was further stated that the summary moved to the Chief Minister has been resubmitted for some clarification and the approval of the competent authority is awaited. However, they have denied that the petitioners have been discriminated in any manner whatsoever regarding the up-gradation. It is further stated that the channel of promotion of Secretary Union Council is from BS-8 to BS-11 on seniority-cum-fitness basis.
- 3. Today, Mr. Jawed Pervez, Admin. Officer, Sindh Local Government Board is present. He has produced a copy of order dated 24.06.2016 issued by Secretary to Government of Sindh, Local Government Department (Sindh Local Government Board). The learned A.A.G. argued that all Secretaries of Union Councils belonging to Sindh Councils Unified Grades Service have already been placed in Basic Pay Scale 08 w.e.f. 01.07.2016 and all posts of

Secretaries of Union Committees belonging to Sindh Councils Unified Grades Service have been placed in Basic Pay Scale 11 w.e.f. 01.07.2016. After issuing this notification, virtually the purpose of this petition has been served. Now they are in Basic Pay Scale 08, but their grievance is that while placing them in Basic Pay Scale 08, simultaneously they shall also be up-graded in BPS-11.

- 4. On the contrary, the Admin. Officer present in Court submits that the next channel of promotion is in BPS-11 for which they have started work to compile seniority list and immediately thereafter they will refer to the matter to the Departmental Promotion Committee for promotion of the Secretaries Union Councils from BPS-8 to BPS-11, which is in fact the same thing mentioned in the Summary moved to the Chief Minister and the petitioners themselves filed it at Page 35 of the petition.
- 5. Since the categorical statement has been made and the petitioners have already been allowed BPS-8, therefore, let the seniority list be made and as stated by the Admin. Officer thereafter the matter may be referred to the Departmental Promotion Committee for promotion of the petitioners in accordance with law to BPS-11 within six (6) months. The petition stands disposed of alongwith the listed application.

Judge

Judge