

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P. No.D-1794 of 2015

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Abdul Ghani Soomro

Muhammad Rafique & another Petitioners

V E R S U S

Federation of Pakistan & others Respondents

Date of hearing 19.09.2016

Mr. Ali Asadullah Bullo, Advocate for the petitioners.

Mr. Zubair Zia Siddiqui, Advocate for Respondent No.2 and 3.

Mr. Shaikh Liaqat Hussain, Standing Counsel.

Muhammad Ali Mazhar, J: The case of the Petitioners is that

on 1st November, 1990 they were appointed as Land Inspector in BPS-15 on adhoc basis, subsequently their services were regularized. The Respondent No.2 is a statutory body constituted under the Port Qasim Authority Act, 1993 having its' own statutory Regulations i.e Port Qasim Authority Employees Service Regulations, 2011. The Petitioners have claimed that the post of Deputy Manager/Assistant Director (BS-18) comes under the umbrella of Industrial Management Department, and the same is to be filled by promotion amongst the officers of BPS-17 of Survey Section. In fact the petitioners have sought declaration that non-insertion of post of Deputy Manager (Survey) BS-18 in the Schedule III of Employees Service Regulations, 2011 is

unjustified and amounts to depriving the Petitioners from their right of promotion. They have also sought directions against the Respondents to amend the Schedule and insert the post of Deputy Manager (Survey) BS-18 in the sanctioned strength of the organization. Learned counsel for the Petitioners pointed out page No.127 (annexure D/89) in which a proposal was submitted for filling two posts of Deputy Manager Survey/Land Survey BPS-18 through promotion sanctioned under IM Department. The Deputy Manager HRM in his concluding paragraph proposed as under:-

“Departmental promotion committee meeting may be convened to consider filling up 02 posts of Deputy Manager Land Survey (BPS-18) by promotion from Departmental Promotion Candidates. The condition for promotion and method of appointment inadvertently missed out in the PQA Employees Service Regulation-2011 may be treated as that is prescribed for the post of Deputy Manager Estate as mentioned above. Submitted for approval of the Chairman to the proposal contained in para 8/N.”

On this proposal the Chairman has written his note i.e “Pl put-up DPC meeting”. Learned counsel further argued that after this proposal, the controversy has been resolved and in fact the Petitioners want insertion of these posts in the Schedule which has been clarified and qualified in the proposal approved by the Chairman.

2. When this annexure D/89 was confronted to the learned counsel for the Respondents No.2 and 3, he concedes to this proposal. However, he submits that the promotion will be made on the basis of seniority-cum-fitness and in accordance with the

cadre. On this statement counsel for the Petitioners is satisfied. The petition is disposed of accordingly alongwith pending application. The Respondents No.2 and 3 are directed to expedite the process and will make all best efforts to constitute the meeting of DPC within a reasonable period of time.

JUDGE

JUDGE

Ayaz Gul