## ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-5426 of 2015

Date	Order with signature of Judge	
		Present Mr. Justice Muhammad Ali Mazhar Mr. Justice Abdul Ghani Soomro
Danish Ahmed	Khan	Petitioner
Versus		
The Federation	of Pakistan & 2 Others	Respondents

## **Date of hearing: 21.09.2016**

Mr. Abdul Salaam Memon, advocate for petitioner Mr. Shaikh Liaquat Hussain, standing counsel

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This petition was filed on 07.09.2016. Muhammad Ali Mazhar, J. Despite notice, no comments have been filed. On 01.10.2015 Mr. Shahnawaz Mangrio requested for time to file reply/para-wise comments, while on 27.10.2015 Mr. Shujauddin undertook to file power on behalf of the contesting respondent PQA. Again on 11.05.2016 Mr. Shujauddin undertook to file vakalatnama for Port Qasim Authority with two weeks' time for filing comments but no comments have been filed. Learned standing counsel submits that at least two letters have been written by him to respondents Nos.2 and 3 to file their comments but no response was even given to him. The Court cannot wait for an unlimited period of time or allowing adjournments for filing comments in a petition filed one year back. In fact the petitioner has approached this Court for directions against respondents Nos.2 and 3 to implement recommendations of the Departmental Selection Committee and issue his promotion order as Driver 2<sup>nd</sup> Class (BPS-07). Learned counsel for the petitioner pointed out recommendation available at Page-29, of the Court file. In paragraph 32 the recommendations of the Departmental Selection Committee have been reproduced which, inter alia, reflects that the committee after examining the service record/ACRs of the Wipers (BPS-05) and Greaser (BPS-06) recommended four officials for promotion against the vacant post of Driver 2nd Class (BPS-07) reserved for promotion being eligible and fulfilling the prescribed criteria of promotion

with immediate effect in terms of the PQA Promotion Policy as contained in the Port Qasim Authority Employees Service Regulations, 2011. A table is also appended to the quoted recommendation, which includes the name of the petitioner at Serial No.3. In paragraph 33 the Deputy Manager (HRM), has clearly mentioned that there is no legal consequence in the above promotion case as the same is covered under the PQA Employees Service Regulations, 2011. Learned counsel for the petitioner further pointed out Page-69, which is copy of appeal sent to the Director (HRM) for implementation of the recommendations of the Departmental Selection Committee held on 02.02.2015 in which also the petitioner has prayed that he may be granted promotion in terms of the recommendations but neither his appeal has been decided nor the implementation has been made so far.

In view of the available documents attached with the petition, the learned standing counsel is of the view that some directions may be issued to respondents Nos.2 and 3 to decide the issue of promotion as well as pending appeal of the petitioner.

On the basis of available documents, we have come to the conclusion that once the Departmental Selection Committee has considered the case for promotion and made recommendations then in all fairness such recommendations should have been implemented, which is through proper channel, otherwise the very purpose of constituting the Departmental Selection Committee or Departmental Promotion Committee would be redundant and of no use. As a result of the discussion, respondents Nos.2 and 3 are directed to decide the issue of promotion as well as appeal of the petitioner in terms of the recommendations of the Departmental Selection Committee within a period of two months. Let copy of this order be transmitted to the learned standing counsel for compliance.

The petition is disposed of along with pending application.

JUDGE