ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. NO.D-3302 of 2014

Date Order v	ate Order with signature of Judge	
	<u>Present</u> Mr. Justice Muhammad Ali Mazhar Mr. Justice Abdul Ghani Soomro 	
Muhammad Khalid	Petitioner	
	Versus	
Federation of Pakistan &	& 2 othersRespondents	

Date of hearing: 22.09.2016

Syed Shoa-un-Nabi, advocate for the petitioner Mr. Shaikh Liaquat Hussain, sanding counsel a/w Abdul Fateh Shaikh, Senior Scientific Information Officer, PSTIC

Muhammad Ali Mazhar, J: Petitioner has approached this Court for the directions against the respondents to promote him from BPS-18 to BPS-19 with effect from 11.04.2011.

The comments on behalf of the respondents are available on record, duly signed by the Director General, Pakistan Scientific & Technological Information Centre and their counsel. In the preliminary legal objection No.1, question of jurisdiction has been raised that the respondent No.3 Organization does not have their statutory rules of service. In support of this contention, the respondents have also attached the copy of order passed in Civil Petition No.1507/2011 by the Honourable Supreme Court of Pakistan. The appeal was filed against the judgment of the learned Islamabad High Court passed in Writ Petition No.887/2011. The order reflects that the counsel for the petitioner in the case of Dr. Shakeel Raza did not press the petition for the reason that Pakistan Scientific & Technological Information Centre does not have any statutory rules, regulating the terms and conditions of the services of its employees and opted to avail the appropriate remedy in accordance with law. When we Though, this legal objection has been raised but in response to paragraph-3 of the grounds incorporated in the memo of petition, it is stated as under:-

"3. That the contents of para No.3 are correct to the extent of his qualification etc. But there is no post available in BS-19. The petitioner case will be considered on availability of post pertaining to promotion quota subject to fulfilment of all other formalities."

As a result of the above discussion, the petition is not maintainable. However, the representative of the Pakistan Scientific & Technological Information Centre reiterates that as and when the Government of Pakistan will frame the policy of promotion and up-gradation for the employees of respondent No.3, the case of the petitioner will be considered for promotion in accordance with law.

The petition is disposed of accordingly along with the pending application.

JUDGE

Gulsher

JUDGE