

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. NO. D-2181/2016

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Date	Order with signature of Judge
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**MR. JUSTICE MUHAMMAD ALI MAZHAR**  
**MR. JUSTICE ARSHAD HUSSAIN KHAN**

Perdeep Kumar & others. .... Petitioners

Versus

Province of Sindh & others. .... Respondents

29.09.2016

Mr. Samiullah Soomro, Advocate for Petitioners  
Mr. Abdul Jalil Zubedi AAG alongwith  
M/s. Aftab Abbasi LGD and Ahmed Ramzani  
Director – II, SLGB  
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**MUHAMMAD ALI MAZHAR, J:** The petitioners have approached this Court for implementation of recommendation forwarded by the Departmental Promotion Committee in its meeting held on 30-10-2015. In Item No.3 the cases of Engineers (Civil) were discussed for their promotion from BS-11 to 17 B. Tech (Hons.)/Civil SCUG Service (Engineering Branch). Some of the persons were promoted but in the case of present petitioners, though they were recommended for promotion against future vacancies, a note is also appended to the Minutes of Meeting that the promotion of officers who have not successfully completed training and passed examination prescribed under Rule 10(2) of SCUG Service Rules, 1982 shall

not be actualized till successful completion of training and passing examination.

Learned counsel for the Petitioners argued that despite availability of vacancy the petitioners have not been sent for required training and examination. He further argued that direction be issued to the respondents to implement the recommendation in its letter and spirit.

Learned AAG pointed that parawise comments filed by the Secretary to Government of Sindh the Respondent No.2 in which there is no denial or opposition to the recommendation made by the Committee in its Minutes rather in the comments the respondents have confirmed that recommendation for promotion was conditional to pass departmental examination by the petitioners under Rule 10(2) of SCUG Service Rules, 1982. Learned AAG further submits that next departmental examinations are scheduled to be held on 17-10-2016 which fact has been confirmed by the officials of the Local Government present in Court. He further submits that some directions may be issued to the respondent No.2 to forward the names of petitioners for their appearance in the forthcoming departmental examination and subject to the result of the departmental examination the promotions of the petitioners will be actualized. Learned counsel for the petitioners shown satisfaction to the statement of the learned AAG.

We have also noticed an order dated 09-05-2016 passed by the Secretary, Local Government Department, Government of

Sindh (Annexure "A" to the comments of Respondent No.2) whereby Item Nos.1, 2 and 3 were cancelled/withdrawn on technical grounds in Minutes of Meeting dated 30-10-2015 but learned AAG argued that aforesaid Items were cancelled for the reasons that all persons who have been recommended for promotion are required to be appeared for promotion in written test. He further submits that since the petitioners have already agreed to sit in departmental examination, therefore, the aforesaid order will not create any hindrance or obstruction in their cases.

In view of the above, this petition is disposed of with directions to the Respondent No.1 to immediately forward names of petitioners and allow them to appear in departmental examination, scheduled on 17-10-2016. If the petitioners will qualify the examination, the notification for their promotions will be issued accordingly.

The petitioners are directed to approach Director – I, Local Government Board, Government of Sindh for completion of codal formalities and submit all required documents, if any.

This petition is disposed of in above terms alongwith listed applications.

Copy of this order may be transmitted to the A.A.G.

JUDGE

JUDGE