

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. NO.D-1926/2016

Date	Order with signature of Judge
------	-------------------------------

Present

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Syed Saeeduddin Nasir

Hearing/ Priority

1. For order on Misc. 31727/2016
2. For order on office objection.
3. For hearing of Misc.8624/2016
4. For hearing of main case.

===

06.12.2016

Mr. Imtiaz Mansoor Solangi, Advocate for petitioner.
Shaikh Liaquat Hussain, Standing Counsel.

===

Muhammad Ali Mazhar, J:- Petitioner is a Mechanical Engineer performing his duties in Pakistan Railways in BS-19. Basically, he has challenged his nomination for 19th Senior Management Course. Letters of nominations are available at pages 13 and 19. The petitioner is of the view that in lieu of the promotion policy dated 30.12.2015, circulated through the Office Memorandum issued by the Deputy Secretary, Establishment Division, Govt. of Pakistan, in which though it was circulated that the competent authority has been pleased to approve to withdraw all kinds of exemptions from mandatory trainings on the basis of age w.e.f. 31st July, 2016 to ensure merit based promotion in the best public interest, however, the exemptions extended already to professionals and technical cadres will continue as the professionals/technocrats undertake their specialized trainings separately.

The main crux of the arguments of learned counsel for the petitioner is that in view of the exemptions, the petitioner is entitled to be promoted directly in BS-20 without completing any Senior Management Course which was exempted in his case. Learned Standing Counsel referred to the comments filed by the Establishment Division in which their basic plea is that the petitioner does not fall in purely technical cadre. It is further submitted that Engineers are not exempted from mandatory training as senior positions in Pakistan Railways involve management role at senior level, which are not purely technical posts.

After arguing at some length, learned counsel for the petitioner proposed that some directions may be issued to the respondents to consider case of the petitioner in the light of promotion policy dated 30.12.2015. Learned Standing Counsel on this proposal has no objection. Petition is disposed of with the direction to the respondents to consider case of the petitioner in the light of the aforesaid promotion policy and pass appropriate order after affording an opportunity of hearing to the petitioner. A copy of this order may be transmitted to the learned Standing counsel for compliance.

JUDGE

JUDGE