

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5250 of 2016

Date

Order with signature of Judge

Present:

Mr.Justice Muhammad Ali Mazhar
Mr.Justice Adnan-ul-Karim Memon

Zaiuddin Sabir.....Petitioner

V E R S U S

Province of Sindh & others.....Respondents

Date of hearing: 22.12.2016

Mr. M. Arshad Khan Tanoli, Advocate for Petitioner.
Mr. Abdul Jalil Zubedi, A.A.G.
Mr. Iqbal Khurram, Advocate for KMC.
Mr. Saud Akhtar, Law Officer, KMC.
Dr. Badar Jameel, Metropolitan Commissioner, KMC.
Mr. Khalid Mehmood Shaikh, Financial Advisor, KMC.
Mr. Asim Raza, Deputy Director H.R., KMC.
Mr. Jameel Farooqi, Director H.R., KMC.

Muhammad Ali Mazhar, J: The case of the petitioner is that vide Office Order dated 24.05.2016, the petitioner and eight other persons working in Malir Development Authority (MDA) were relieved and directed to report their parent department with immediate effect. In the said Notification/Order the petitioner is shown in BPS-19 with his parent department KMC. On this repatriation order the petitioner was allowed posting in KMC vide order dated 01.09.2016 in BPS-18 as Director, Sports. The grievance of the petitioner is that his batchmates are in BPS-19 and he was also enjoying the same BPS in MDA, therefore, in terms of the judgment of the hon'ble Supreme Court reported in **2015 SCMR 456 (Civil Revision Petition No.193-K/2013)**, he is entitled to the salary and other benefits from the date he was relieved to join KMC and his seniority shall be maintained with his batchmates as if he was never relieved from the parent

department which is clearly provided in the aforesaid judgment in paragraph 160. The counsel for the petitioner has also placed the copy of tentative seniority list for non-technical BPS-19 officers of KMC and pointed out that at Sr. No.3 the name of Shoaib Muhammad Khan is mentioned who is also in BPS-19 and he is batchmate of the petitioner. Had the name of the petitioner included in this tentative seniority list, his name must have been at Sr. No.2 above the name of Shoaib Muhammad Khan in seniority.

2. The Metropolitan Commissioner KMC, Finance Advisor KMC, Deputy Director H.R. KMC and Director H.R. KMC all are present in court and submit that they will examine the record and if the petitioner is found batchmate of Shoaib Muhammad Khan as asserted by him, he will be allowed posting in BPS-19. At this juncture, the learned counsel for the petitioner also pointed out page 49 which is Office Order dated 05.10.2011 issued by Executive Director, Human Resource Management Department, City District Government Karachi to show that on the recommendations of the Departmental Promotion Committee-1, the petitioner was promoted to BS-19. Let all these documents be examined by Director, H.R. KMC thereafter if the claim of the petitioner is found correct he will be allowed posting in BPS-19. This exercise shall be completed within one month. Petition is disposed of alongwith pending application. Copy of this order may be transmitted to the learned counsel for the KMC.

Judge

Judge

Asif