

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-701 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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17.05.2017.

Mr. Ayatullah Khowaja advocate for petitioner alongwith petitioner.

Mr. Masood Ahmed Bhatti, Advocate for respondent No.2.

Mr. Muhammad Arshad S. Pathan, Advocate for respondent No.3
alongwith Mr. L.K Jakhrani, Addl.D.G Legal, Syed Imran Ali, DG (HR
& Admn), HESCO.

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It appears from the record that on 21.03.2017 this Court has passed the
following order:-

*“Our learned brothers Syed Saeeduddin Nasir and Muhammad Iqbal
Mahar JJ passed following order dated 14.03.2017.*

*“4&5. Learned counsel for the petitioner states that the
impugned order dated 07.03.2017, whereby the respondent No.2
has transferred the petitioner from Hyderabad to Lahore
whereas, the petitioner is permanent resident of Hyderabad. The
learned counsel for the petitioner further states that the
respondent No.2 was not at all authority and competent under
the rules to pass the aforesaid transfer order inasmuch as he is
of the same grade as the petitioner and the competent authority
is Managing Director PEPCO Lahore to effect such transfer.*

*Issue notice to learned D.A.G. as well the respondents
No.2 & 3 for 02.05.2017. In the meanwhile, the operation of the
impugned order dated 07.03.2017 shall remain suspended till the
next date of hearing.”*

*Before signing the above order, our learned brother Syed Saeeduddin
Nasir, J. has passed away. Matter was placed before our learned brother Mr.
Justice Muhammad Iqbal Mahar, and following orders were passed on
17.03.2017.*

“Before signing the above order, my learned brother Mr. Justice Syed Saeeduddin Nasir, has passed away, therefore, the matter be fixed in court as per roster for fresh hearing, after intimation notice”.

Today, urgent application is moved by learned advocate for petitioner on the ground that interim order was passed by our learned brothers Syed Saeeduddin Nasir and Muhammad Iqbal Mahar JJ on 14.03.2017, in the open court and matter was adjourned to 02.05.2017. Before signing the interim order, Mr. Justice Syed Saeeduddin Nasir has expired. It is prayed that matter requires urgent hearing.

Urgent application is allowed. Since Mr. Justice Muhammad Iqbal Mahar is available at the Bench in the current roster at Circuit Court Hyderabad. In the interest of justice, office is directed to fix this petition before Division Bench consisting of Mr. Justice Aziz-ur-Rehman and Mr. Justice Muhammad Iqbal Mahar. In the meanwhile, operation of the impugned order dated 07.03.2017 is suspended till 28.03.2017 instead of 02.05.2017.”

It is stated by the learned Counsel for the petitioner that since passing of the said order the petitioner has not been allowed to join his earlier post nor any salary was issued. This fact has been denied by the respondents. According to them the salaries of the petitioner have already been released for the intervening period by the PEPCO. The petitioner present in person submits that he has received all due salaries.

Since the short controversy is involved in the matter and the PEPCO has not been made party in this petition therefore in order to resolve the controversy PEPCO is ordered to be arrayed as respondent No.4 in the petition and the petitioner is

directed to file amended title within three days in office. After filing the amended title office is directed to issue notice to the PEPCO.

To come up on 31.05.2017. Interim order passed earlier to continue till next date of hearing.

JUDGE

JUDGE

Ali Haider