

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

CP No. D- 1699 of 2013

DATED **ORDER WITH SIGNATURE OF JUDGE**

25.08.2017

1. For hearing of MA 620/17
2. For Hearing of MA 621/17

Petitioner present in person

Mr.Muhammad Khan Lakho, advocate holds brief for Mr. Muhammad Arshad S. Pathan, Advocate for petitioner

Mr.Ishrat Ali Lohar, advocate for respondent No.2

Mr.Zulfiqar Ahmed Rajput, Assistant Attorney General Sindh, Hyderabad

At the outset, petitioner contends that in 1994 he completed his B.E and in 1999 he was appointed on contract basis as Shooting Ball Player along with other candidates who were also playing games on behalf of bank; thereafter the others were regularized but he was not, therefore, he filed Constitution Petition; the same was allowed with direction to regularize him. Petitioner contends that bank issued order for his appointment as NaibQasid whereas on the same qualification other were accommodated on higher posts, hence, he is also entitled to be considered as per his qualification. Again on 28.12.2016 direction were issued to constitute a committee to examine the case of petitioner.

Today counsel for respondent No.2 has filed the report of committee, which is taken on record wherein it is contended that the post of Shooting Ball Player is not existing in the bank, therefore, they are unable to appoint him as Shooting Ball Player.

The *conclusion* of the report is quite surprising and does not appear to be in *line* with earlier orders of this Court. It is not a matter of dispute that the petitioner along with others was appointed as *shooting ball player* ; others were regularized entitlement of the petitioner for his *regularization* was / is under an order of this

Court. Further, the petitioner was also appointed as *Naib-Qasid* which he questioned with reference to Article 25 of Constitution as others, per their *qualifications*, were adjusted at *higher* places.

The above *unchallenged* facts are sufficient to establish that this is a case of discrimination. Thus Chairman ZTBL shall file complete breakup of 05 years with regard to adjustment / regularization of all the players regardless of games in different teams of ZTBL with their posts. The break up shall include their qualification and copies of appointment orders. Needless to mention that respondent shall consider the case of petitioner as per his qualification and ensure that he is appointed on the post as per his qualification and there should be no *smell* of exercise of jurisdiction in a *discriminate* manner. In case of failure we would be constrained to issue contempt notice to Chairman ZTBL. This exercise shall be completed within 15 days.

JUDGE

JUDGE

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