

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**C.P.No.D-2334 of 2006**

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<b>Date</b>	<b>Order with signature of Judge</b>
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**Present:**

**Mr. Justice Muhammad Ali Mazhar.**

**Mr. Justice Abdul Maalik Gaddi.**

Fakher Alam Khan.....Petitioner

V E R S U S

Province of Sindh & others.....Respondents

**01.02.2017**

Mr. Muhammad Rashid, Advocate for Petitioner.

Mr. Iqbal Khurram, Advocate for KMC.

Mr. Sibtain Mehmood, Addl.AG.

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**Muhammad Ali Mazhar, J:** The petitioner has lodged the grievance that for last 06 years his appeal for considering his case for promotion is pending with respondent No.2 but no action was taken. He further sought direction against the respondent to consider his case for promotion expeditiously and pass appropriate order.

2. This petition was filed in 2006 while in 2012 the petitioner has attained the age of superannuation according to the statement made by his counsel. When we confronted to the learned counsel for KMC as to why his application is pending since long, the learned counsel pointed out his statement presented in court on 3.2.2009 with which the copy of an office order dated 12 May, 2008 is attached. This order reflects that on recommendations of the Departmental Selection Committee and considering the appeal of Sr. Clerk [left out cases] 16 Sr. Clerks were promoted to the post of Assistants in BPS-11 on seniority-cum-fitness basis w.e.f. 1<sup>st</sup> May, 2008. Name of present petitioner is appearing at Sr.No.2 of the office order. Counsel for KMC argued that since the petitioner has already been promoted, therefore, his grievance has been redressed. While counsel for the petitioner pointed out another letter dated 20.2.2010 which was issued by the District Officer Education to the Executive District Officer Education, CDGK on the subject

of seniority protection to left out case of promotion of Mr. Fakhar Alam, Assistant, Secondary & Higher Secondary (Male) [present petitioner]. In this letter the District Officer Education proposed that the petitioner may be allowed seniority protection as Assistant BPS-11 w.e.f. 1.9.1988 which is the actual deserving date when his juniors had been promoted while one of them retired in the capacity of Superintendent from the government service.

3. Learned counsel submits that though the promotion has been accorded but the recommendations made by the District Officer Education to consider sympathetically the case of the petitioner is pending adjudication and in the meanwhile the petitioner has retired from the service, so at this stage, if recommendations made in the above letter is acted upon, the petitioner would be in a position to get some better monetary benefits as on the face of it some injustice was done with him while considering the case of promotion which is apparent from the language of the letter dated 20.2.2010.

4. Learned counsel for KMC submits that previously the Education Department was being dealt with by CDGK and now the same is transferred to the concerned DMC. This statement is supported by learned Addl. AG.

5. In order to consider pending recommendations, we feel it appropriate to issue direction to the Director Schools, Karachi, Government of Sindh to consider the recommendations dated 20.2.2010 and if some further action is required to be taken by DMC, the same shall be forwarded to the concerned DMC for passing appropriate necessary orders in accordance with law. The petition is disposed of accordingly alongwith pending application.

Office is directed to transmit copy of this order to the Director Schools, Government of Sindh alongwith copy of letter dated 20.2.2010 issued by District Officer Education to the Executive District Officer Education, available at page 95 of the court file.

**Judge**

**Judge**