

Order Sheet  
**IN THE HIGH COURT OF SINDH,**  
**CIRCUIT COURT, HYDERABAD**

CP No. D- 1498 of 2011

Ali Akbar ----- Petitioner

Versus

Province of Sindh and others ----- Respondents

Date of order : 26.02.2019

Mr. Muhammad Sachal R. Awan, Advocate for petitioners.  
Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh.  
Rashid Abbasi, Deputy Director, Local Government Department, Dadu.

**ORDER**

**ADNAN-UL-KARIM MEMON, J.** - The captioned petitions were disposed of  
vide order dated 9.8.2012 with following observation:-

*“Result of the above discussion is that these constitutional petitions are dismissed. However, official Respondents are directed to ensure that the petitioners are transferred and posted strictly in line with the order passed by the Supreme Court. Pending applications are disposed of.”*

2. On 26.1.2017 the petitioners filed an application (MA No. 1059 of 2017) under Section 204 of the Constitution of Islamic Republic of Pakistan for initiating contempt proceedings against the alleged contemnors. The respondents have filed comments controverting the allegations leveled against them.

3. Learned Additional Advocate General Submits that the petitioners are employees of a Council and they are not member of Sindh Councils Unified Grade Services (SCUG). The petitioners were employed at the Octori Department of different Councils of the Province; that Octori department has been abolished but the Council exist; that the post of Secretary Union Council/ Committee of the province is meant for the officials of SCUG Service not for the employees of the Local Council; that employees of SCUG Services are liable to be transferred from

Council to Council; that services of the Employees of Local Council are not transferable; that consequent upon devolution in the year 2001 the employees of the octori department/ export tax of the Local Councils were allowed to act as acting Secretaries of Union Council, if the SCUG officials are not available; that the contention of the petitioners that they do not have parent department is not entertainable. Since the council wherein they were appointed as employees of Local Council at different Non-SCUG posts are functioning till to date; that no contempt has been committed by Sindh Local Government Board. They have been relieved from the acting charge of post of Secretary, Union Council in the light of judgment of honorable Supreme Court against vacancy alongwith pay.

4. The main grievance of the petitioner in CP No. D- 1498 of 2011 has already been redressed in pursuance of the order dated 30.11.2011 passed by the Honorable Supreme Court of Pakistan in C.A. No.104-K to 116-K of 2011 that all the Clerks officiating as acting Secretaries Union Council throughout Province of Sindh were directed to relinquish the charge and report to their respective organization/ office or Assistant Directors, local Government as the case may be. We have noted that the Honorable Supreme Court of Pakistan vide order dated 4.2.2010 passed in C.P No. 841-K of 2009 has already decided the issue involved in the matter. An excerpt of the same is reproduced as under:-

*“We are afraid; this contention cannot be accepted considering that two honorable Judges of the High Court have noted that consent was given by or on behalf of the petitioners.*

*In the foregoing circumstances, this petition is dismissed. However, this order shall not preclude the petitioners from moving an appropriate application before the High Court, if so advised”*

5. In pursuance of order of Honourable Supreme Court passed in C.A No. 104-K and 116-K of 2011 and in continuation of respondent’s Department letter dated 14.12.2011 the Ex-Officiating Secretary (non-SUG) were posted accordingly.

6. We are of the view that the Respondents have submitted compliance report as discussed supra. We have also gone through the Contempt Application, the reply of the alleged Contemnors to the effect that they had complied with the aforesaid order of this Court in its letter and spirit. In view of the facts and circumstances of the case, we are satisfied with the explanation furnished by the alleged contemnors that substantial compliance of the order dated 9.8.2012 passed by this Court has been made in its letter and spirit, therefore, at this juncture, no case for initiating contempt proceedings is made out against the alleged contemnors. Thus, we are not inclined to continue with any further on the listed application bearing MA No.1059/2017, having no merits, is accordingly dismissed.

JUDGE

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