

IN THE HIGH COURT OF SINDH AT KARACHI

Before :
Mr. Justice Nadeem Akhtar
Mr. Justice Adnan-ul-Karim Memon

C.P No.D-5235 of 2015

Muhammad Mithal Jokhio & othersPetitioners

Versus

Province of Sindh and others.....Respondents

For hearing of CMA No.925/2018

Date of hearing & Decision: 13.03.2020

Mr. Hussain Bux Sariyo, advocate for the Petitioners.
Mr. Hakim Ali Shaikh, Add. A.G Sindh.

ORDER

ADNAN-UL-KARIM MEMON, J: - This Petition was disposed of by this Court vide order dated 17.08.2016 with direction to the Departmental Promotion Committee (DPC) for promotion of the petitioners in BPS-11.

2. Petitioners filed listed application under sections 3 and 4 of the Contempt of Court Ordinance, 2003 read with Article 204 of the Constitution of the Islamic Republic of Pakistan 1973, for initiating contempt proceedings against the alleged contemnors for deliberately flouting order dated 17.08.2016 passed by this Court.

3. Mr. Hakim Ali Shaikh, learned Additional A.G Sindh has referred to the order dated 23.5.2019 passed by this court and submits that the channel of promotion of Secretary Union Council is from BS-8 to BS-11 on seniority-cum-fitness basis. Learned AAG relied upon copy of Office Order dated 24.06.2016 issued by the Secretary to Government of Sindh, Local Government Department (Sindh Local Government Board) and argued that all Secretaries of Union Councils belonging to Sindh Councils Unified Grades Service have already been placed in Basic Pay Scale 08 with effect from 01.07.2016 and all the posts of Secretaries of the Union Committees belonging to Sindh Councils Unified Grades Service have been placed in Basic Pay Scale 11 with effect from 01.07.2016. After issuing this notification, now they are in Basic Pay Scale 08; that the next channel of promotion is from BPS 08 to BPS-11. He lastly prayed for dismissal of the listed application.

4. We have heard the learned counsel for the applicants and learned AAG Sindh, representing the Respondents and perused the material available on record with their assistance.

5. We have noticed that the summary for the worthy Chief Minister Sindh was floated by the Secretary Local Government Department for up-gradation of the post of Secretary Union Council / Union Committee from BPS-08/07 to BPS-11 and the next promotion will be in BPS-11 / SCUG (Admin Branch). The Competent Authority approved the Summary vide order dated 11.10.2017 and endorsed the view of the Finance Department; that Administrative Department may frame a service structure / recruitment rules with the consultation of SGA&CD to create avenue for the promotion of Union Councils Officials which will be on permanent footing. Learned counsel for the applicants admits the aforesaid legal position, but asserts that the order passed by this Court has not been complied with in its letter and spirit and promotion of the petitioners have not been made.

6. Perusal of the order dated 17.08.2016 passed by this Court in the aforesaid matter is clear in its terms; and, that the post of Secretary Union Council was placed in Basic Pay Scale 08 with effect from 01.07.2016 and all posts of Secretaries of Union Committees belonging to Sindh Councils Unified Grades Service have been placed in BPS-11, with effect from 01.07.2016.

7. In view of the facts and circumstances of the case and for the reasons alluded as above, we are satisfied with the explanation offered by the alleged contemnors that compliance of the Order dated 17.08.2016 passed by this Court has been made, therefore, no case for initiating contempt proceedings is made out against the alleged contemnors. Thus, we are not inclined to proceed with any further on the listed application bearing CMA No.925/2018, having no merits, which is accordingly dismissed.

JUDGE

JUDGE