

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

**Constitutional Petitions No.D-4000 of 2017 along with
Const. Petitions No.D-6352 of 2016, D-3577, D-4689, D-5379,
D-7211, D-4510 of 2017 and Const. Petition No.D-5645 of 2018**

Date	Order with signature of Judge
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For Direction :

1. For hearing of Misc. No.26265/2019 (Contempt) :
2. For hearing of Misc. No.27497/2019 (Contempt) :

08.09.2020 : Syed Shoa-un-Nabi, advocate for the petitioners.

Mr. Salman Talibuddin, Advocate General Sindh, and Mr. Ali Safdar Depar, Assistant Advocate General Sindh, along with Mr. Mumtaz Ali Shah, Chief Secretary Sindh.

Mr. Iqbal Khurram, advocate for KMC.

Ahmed Zameer Khan, Legal Adviser DMC (West), Sarwar Ali, Law Officer, DMC (Korangi), Afzal Saeed Khan, Law Officer, DMC (Central), Murtaza Saleem Baig, Law Officer, DMC (South), Dr. Syed Zia-ur-Rahman, Metropolitan Commissioner, Jamil Farooqui, Senior Director (HRM), KMC, Shoaib Ahmed Malik, Deuty Secretary (Admin.), Local Govt., and Khaleeq Shaikh, Section Officer (V), Local Govt. Deptt.

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In compliance of order dated 26.08.2020, Mr. Mumtaz Ali Shah, Chief Secretary Sindh, is present in person. As compliance report and reply to the show cause notice have already been filed by him, the show cause notice issued to him stands discharged.

Learned counsel for the petitioners has submitted objections dated 08.09.2020 to the findings of the Scrutiny Committee, which are taken on record. He submits that the judgment dated 27.05.2019 has not been implemented by the Chief Secretary Sindh in its letter and spirit as findings of the Scrutiny Committee are incorrect.

Perusal of the aforesaid judgment shows that in paragraph 20 thereof the Chief Secretary Sindh was directed to constitute a committee ; to conduct an inquiry in relation to the appointments made allegedly on the basis of fraud and forgery ; to provide ample opportunity of hearing to the petitioners ; to fix the responsibility in the matter by taking action against the delinquent officials strictly in accordance with law and the observations made by the Hon'ble Supreme Court in the case reported as 2015 SCMR 74 ; and, to submit compliance report through MIT-II of this Court within ninety (90) days.

The report submitted by the Committee headed by the Chief Secretary Sindh shows that the Scrutiny Committee had initiated the above process by publishing public notices in leading newspapers calling upon all the petitioners to furnish their service record and other relevant papers ; Municipal Commissioners of all DMCs were directed to attend the meeting of the Scrutiny Committee along with heads of the DMC concerned ; and, the case of each and every petitioner was scrutinized by the Scrutiny Committee on the basis of the documentary evidence provided by him and ample opportunity of personal hearing was also afforded to him. On the basis of the above, it was concluded by the Scrutiny Committee that appointment of 128 petitioners was not valid and legal as their appointment orders were issued without any advertisement and without following the prescribed mandatory procedure. The above report also states that disciplinary proceedings have been initiated against the delinquent officer named therein.

After examining the above report of the Scrutiny Committee and the compliance report filed by the Chief Secretary Sindh, we are of the view that compliance of the judgment of this Court has been made. Therefore, no case for initiating contempt proceedings has been made out by the petitioners. In any event, the grievance of the petitioners in relation to the findings of the Scrutiny Committee is beyond the scope of the listed contempt applications. If any of the petitioners is aggrieved with the findings of the Scrutiny Committee, he may avail his remedy before the competent forum in accordance with law.

The listed contempt applications stand disposed of in the above terms with no order as to costs.

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