

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI  
Constitutional Petition No. D – 4579 of 2020

Date	Order with Signature of Judge
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Before

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

**10.11.2020** :

Mr. Ghulam Sarwar Chandio, advocate for the petitioner.

**NADEEM AKHTAR, J.** – Vide offer of appointment letter dated 08.06.2012 (page 29), the petitioner was offered the post of Assistant (BPS-14) in the Special Courts for Removal of Encroachment, Board of Revenue Sindh ; and, vide order dated 19.07.2012 (page 31), he was appointed at the said post. According to the petitioner, the seniority list was not prepared by the department due to which his case for promotion was not placed before the DPC. In this background he made a representation before the learned Sindh Service Tribunal which was registered as Appeal No.611/2018. The said representation / appeal was dismissed by the learned Sindh Service Tribunal vide order dated 07.02.2019 (page 71) on the sole ground that the same had not been filed against any order which was the condition precedent under Section 4 of the Sindh Service Tribunals Act, 1973 ; however, a direction was issued to the competent authority / Director General Anti-Encroachment Sindh, Senior Member Board of Revenue Hyderabad, to decide the petitioner’s representation dated 24.07.2018 within 90 days. The grievance of the petitioner is that his above representation has still not been decided by the competent authority. The above contention of the learned counsel does not appear to be correct as the petitioner’s representation was decided by the Senior Member Board of Revenue Sindh vide order dated 10.04.2019, copy whereof has been placed on record by the petitioner himself.

It is an admitted position that the petitioner is a civil servant and since the above order was passed on his representation on 10.04.2019 in compliance of the learned Tribunal’s order, he ought to have approached the proper forum instead of invoking the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. In view of the above, the petition and listed application are dismissed in limine with no order as to costs, leaving the petitioner at liberty to avail his remedy, if any, before the competent forum in accordance with law.

JUDGE

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