

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D -5722 of 2020

Order with signature of Judge

Fresh Case

1. For order on CMA. No.4075/21 (urgent)
2. For order on CMA No.24466/20 (exp)
3. For hearing of main case.

Dated : 10.02.2021

Mr. Salahuddin Chandio, advocate for the petitioner.

1. Granted.
2. Granted subject to all just exceptions.
3. Through this petition, the petitioner has assailed the notification dated 28.09.2020 whereby he has been relieved from the post of Assistant Director (BPS17), Regional Passport Office, without giving him right to lien to join his new assignment as Excise and Taxation officer (BPS-17) in Excise, Taxation & Narcotics Control, Government of Sindh.

The learned counsel for the petitioner referred to the rule of Civil Servants (Confirmation) Rules, 1993, and argued that a permanent civil servant would be entitled to a lien against the post on probation. He further argued that petitioner has been appointed as Excise & Taxation Officer (BS-17) in the Government of Sindh, Excise, Taxation & Narcotics Control Department through the competitive process, subject to completion of his probationary period of two years from the date of joining, therefore, it is treated as temporary post, as such his right of lien remains intact with the original department i.e. Regional Passport Office.

To appreciate whether the petitioner can claim a right to acquire lien against the permanent post based on the probationary period as provided, let notice be issued to the respondents as well as to learned DAG for a date to be fixed by the office in the third week of this month.