

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
C. P. No. D -1710 of 2021

Date	Order with Signature of Judge
------	-------------------------------

Fresh Case

1. For order on Misc. No.7205/21
2. For order on office objection no.4
3. For order on Misc. No.7206/21
4. For order on Misc. No.7207/21
5. For hearing of main case

Dated: 09.03.2021

Abdul Shakoor, advocate for the petitioner.

1. Granted.
2. Deferred for the time being.
3. Granted subject to all just exceptions.
- 4-5. The case of the petitioner is that he was appointed as Data Entry Operator (BPS-10) in the Sindh Public Service Commission thandi sarak, Hyderabad vide office order dated 27.01.2004. Per petitioner, he was promoted to the post of Processing Assistant (BPS-12) vide office letter dated 09.10.2008 and thereafter he was relieved to join his new assignment as Assistant Director (Geo-Data) (BPS-17) in Mines and Mineral Development Department, Government of Sindh, vide office order dated 3.2.2011 (page 23) and subsequently joined the office vide notification dated 19.02.2011 (page 25). It is averred by the petitioner that on the recommendation of the Departmental Promotion Committee-I and with the approval of the competent authority, Minister Incharge Mines and Mineral Development, Government of Sindh, he was promoted to the post of Deputy Director (Geo-Data) (BPS-18), on regular basis vide notification dated 24.8.2020. The main grievance of the petitioner is that he is entitled to promotion to the post of Director Exploration/Resource and Mapping (BPS-19) and the respondents are considering the candidates from other cadres vide notice dated 09.03.2021 (page 89).

Mr. Abdul Shakoor, learned counsel for the petitioner, has argued that the petitioner being Deputy Director (Geo-Data) (BPS-18) is eligible for the promotion as Director (Exploration) (BPS-19) and likewise Director (Resource & Mapping) (BPS-19) in the light of recruitment rules notified on 26.10.2011 (page 29), whereby the said post is to be filled by promotion amongst the Deputy Directors concerned having at least seven years' experience as such or in case of non-availability of the suitable candidates for promotion then by initial appointment. Per learned counsel, he meets the qualification and experience for such appointment by promotion, however, the respondents are adamant to consider another candidate from another cadre/department in violation of

recruitment rules to deprive him of his legitimate right. He next submitted that the respondents vide minutes of the meeting held on 25.11.2020 decided to defer the revised proposal submitted by the Mines and Mineral Development Department regarding framing their recruitment rules for the post of Director (Resource and Mapping) (BPS-19) in the Directorate General on the premise that administrative department ought to revisit the proposal by adopting appropriate action to revise/change the nomenclature of the post of Deputy Director (Resource and Mapping), in case the promotion ladder to the said post is required to be extended to other officers besides Deputy Director (Resource and Mapping) (BPS-18), who are having similar job description and enjoying combined seniority list. They also decided that the administrative department would introduce specific training for a minimum period of three months with a reputable organization instead of Mid-Career Management Course to bring the promoting officers at par with requisite qualification/experience because of emerging needs of modern time as elucidated/circulated in SGA&CD letter dated 20.08.2019. Learned counsel emphasized that the aforesaid decision is erroneous and based on malafide intention to accommodate the cadre officers to fill the subject post and deprive the concerned department of promoting the officers from the Directorate General of Mines and Mineral Development Department, Government of Sindh. Learned counsel emphasized that the promotion of Deputy Director (Resources and Mapping) (BPS-18) and Deputy Director, Cartography and Survey (BPS-18) to the post of Director (Exploration) (BPS-19) cannot be initiated because they have their promotion line i.e. Director (Resource and Mapping) (BPS-19) as they have no any working experience in exploration section of the Directorate General of Mines and Mineral Development Department. The petitioner being aggrieved by and dissatisfied with the aforesaid decision moved various applications to the competent authority to consider him for promotion but to no avail. He prayed for the declaration to the effect that the minutes of the meeting held on 25.11.2020 to defer the revised proposal as discussed supra is null and void. He further prayed for a direction to the respondent-department to fill up the post as per recruitment rules and not otherwise.

To appreciate the contentions of learned counsel for the petitioner, let notice be issued to the respondents as well as to learned AAG for a date to be fixed by the office after two weeks. In the meanwhile, the promotion post of the petitioner shall not be finalized.

JUDGE

JUDGE