

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI
Constitutional Petition No. D – 1162 of 2020

Date	Order with Signature of Judge
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Fresh case :

1. For orders on Misc. No.5393/2020 (Urgency) :
2. For orders on Misc. No.5394/2020 (Exemption) :
3. For orders on Misc. No.5395/2020 (Stay) :
4. For hearing of main case :

20.02.2020 :

Malik Naeem Iqbal, advocate for the petitioner.

1. Urgency granted.
2. Exemption is granted subject to all just exceptions.

3 & 4. Vide notification dated 28.07.2010 (page 11), petitioner was appointed as 'Second Capacity Legal Assistant' in the Board of Revenue Sindh on contract basis and the terms and conditions of his contract were settled vide order dated 10.08.2010 (page 13). Thereafter, vide notification dated 15.12.2011 (page 17), his services were regularized with the approval of the competent authority. It is contended that since the date of his initial appointment, the petitioner has been rendering services honestly, diligently and to the best of his abilities, and no complaints whatsoever were ever received against him. However, a summary dated 10.01.2020 (page 61) was prepared by respondent No.3 for approval of the Sindh Chief Minister wherein it was alleged that services of the petitioner were unauthorizedly regularized, therefore, a show cause notice should be issued to him for termination of his services. It was also alleged that regularization of his services was in conflict with the order passed by the Hon'ble Supreme Court in Civil Appeal No.1216/2015. The above summary has been purportedly approved by the Sindh Chief Minister on 23.01.2020. It is urged that the entire process of impugned action against the petitioner is malafide and baseless as his services were regularized by the competent authority viz. Sindh Chief Minister himself and not by any other person, and secondly, the judgment of the Hon'ble Supreme Court referred to in the impugned summary was in respect of the advocates / lawyers whose services were hired on contract, whereas services of the petitioner were admittedly regularized by the Sindh Chief Minister.

Issue notice to the respondents as well as to learned Advocate General Sindh with direction to file comments before the next date of hearing. Till the next date of hearing, no coercive action shall be taken against the petitioner. To come up on **09.03.2020**.

JUDGE

JUDGE