

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

**Constitutional Petition Nos. D – 6027 of 2020,
6192 of 2020 and 5391 of 2020**

Order with signature of Judge(s)

08.10.2021

Mr. Irtafa-ur-Rehman, advocate for the petitioner in C.P. No. D – 5391/2020
Mr. Ali Safdar Depar, AAG along with Mr. Ghulam Ali Brahmani, Additional Secretary (Services-I) SGA&CD
M/s M.M. Aqil Awan and Danish Rashid Khan, advocates for the interveners
Mr. Inayat Ali Mirza, advocate for respondents No.7 and 10 in C.P. No. D – 6192/2020
Mr. Faqeer Muhammad Lakho, Additional Secretary, College Education Department, Government of Sindh
Mr. Muhammad Nadeem, Additional Secretary, SELD along with Mr. Abdul Jabbar Shahani, Litigation Officer, SELD
Mr. Javed Ali Khawaja, Deputy Secretary, SELD
Ms. Shabana Pervez, Director Excise & Taxation and Mr. Adil Umer, AETO, Excise & Taxation Department, Government of Sindh
Mr. Abdul Latif Jarwar, Additional Secretary (Tech.) PHE & RDD Karachi
Mr. Obaidullah Abro, Special Prosecutor, NAB Sukkur
Mr. Raza Mian, DSP (Legal) on behalf of IGP Sindh CPO
Mr. Mushtaq Ahmed Memon, Section Officer, Industries Department
Mr. Muhammad Ramzan, Section Officer, Works & Services Department, Government of Sindh
Mr. Abdul Razzaq, Section Officer (Admn.) Irrigation Department, Government of Sindh
Ms. Lubna Aijaz, Law Officer, Law Department, Government of Sindh
Mr. Ali Gul Sanjrani, Deputy Secretary, Cooperative Department, Government of Sindh
Mr. Sikandar Memon, Chief Technical Officer, Health Department
Syed Sikandar Hussain, Deputy Secretary (Legal) Finance Department and Mr. Sohag, Section Officer Finance Department, Government of Sindh
Mr. Ali Asghar Mehar, Focal Person, Home Department
Mr. Zulfiqar Ali, Focal Person, Agriculture Department
Mr. Rasheed Brohi, Local Government Department
Mr. Hafeezullah, Focal Person Board of Revenue, Sindh

In compliance of order dated 05.10.2021, Secretaries and Focal Persons of different departments are in attendance and according to them the position is that:-

1. *In Education Department, one Director was convicted, posted as Director Schools and he has been posted out.*
2. *In Revenue Department, ten officers were convicted, posted and removed from their posts.*
3. *In Forest Department one officer was convicted and removed.*
4. *Three officers from Local Government Department were convicted and they have been removed from the post.*
5. *In Irrigation Department, seven persons were convicted and they have been posted out.*

6. *In Police Department one PC was convicted. Focal Person undertakes that he will not be posted at any place until his conviction is set aside.*
7. *In Excise Department one officer is convicted and he has been posted out.*
8. *In SGA&CD two officers were convicted and they have been removed / posted out, including Cane Commissioner.*
9. *In Welfare Board Department / Labour Department one officer was convicted and has been posted out.*

However, Mr. Ghulam Ali Brahamani, Additional Secretary (Services-I) undertakes that all convicted persons, if released on bail, will not be posted in any Department. It is regretful that despite conviction(s) on charges of '**corruption**', the Government posted about 27 officers of Grade 17 and above on key posts(s) although conviction(s) on such '**charge**' always reflects upon credibility of the person unless therefore it was/is always requirement of **good order of service discipline** that no such convicted be allowed holding post(s) where he directly holds command over matters of public, involving fundamental rights *even*. Such obligation was/is always upon the Government to ensure to public that those, dealing with their rights, are not only responsible but honest officials, however, failure towards such obligation, compelled in passing of the referred order.

2. We find it necessary to clarify that credibility of every single official (public servant) is of equal importance regardless of his/her grade because every government department is like a '**machine**' where every single part has to work *honestly* and *diligently* thereby making '**smooth functioning of machine**'. Only this shall ensure ease and help in achieving the object of establishment of such department(s) which, *normally*, was/is believed for public at large or a particular class of public. Thus, application of the order shall not be construed to be limited to officer(s) (Grade-17 or above) alone.

3. The Secretaries of all departments of Sindh shall ensure compliance of this order as well earlier order and submit a compiled statement through focal persons. On account of this compliance, and orders passed earlier by this Court, besides, there is future undertaking that there will be no repetition by the concerned department, while committing such illegality regarding convicted officials and there postings. Besides they shall initiate departmental proceedings against all convicted officials irrespective of their plea that their sentence is suspended.

4. Needless to mention that our last order is only confined to the officers who are convicted and at present they are on bail, but they are posted, whereas conviction is yet to be decided by the appellate Court as well.

5. In earlier order dated 05.10.2021, in third line of paragraph 9, there is a clerical error in the word “dare” as at the place of “r” “t” is mentioned. Office shall rectify the same.

6. Learned counsel for the petitioner in C.P. No. D – 6027/2020 shall satisfy the maintainability of this petition in view of order dated 05.10.2021.

To come up on **09.11.2021**.

JUDGE

JUDGE

Zahid/*
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