

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

C.P No.D-2708 of 2019

(Nazir Ahmed & another versus Province of Sindh & Ors)

Before:-

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Adnan-ul-Karim Memon

Petitioners : In-person

Respondents : Through Mr. Allah Bachayo Soomro, Add: A.G
along with Dr. Muhammad Umar Jamali, Add:
DHO Shaheed Benazirabad

Date of hearing & decision : 02.12.2021

ORDER

ADNAN-UL-KARIM MEMON, J. - Through this petition, the petitioners are seeking directions to the respondents to promote them as Vaccinators.

2. The case of the petitioners is that they were appointed as Attendant (BS-02) and Sanitary Worker (BS-01) respectively in the respondent department in the years 2010 and 2013. According to petitioners, during duty they also completed the EPI Vaccinating Training and serving against the post of Vaccinators voluntarily, yet they are not being given promotion as Vaccinators, hence this petition.

3. Petitioners present in person, submitted that they are performing their duties to the utmost satisfaction of their superiors and have also completed the EPI vaccinating training. They further submitted that though after completion of above training they were directed to work as Vaccinators vide notification dated 22.03.2013, yet they are not being considered for promotion as Vaccinators, instead the respondents have recently made fresh appointments against the said posts.

4. Learned AAG has raised the question of maintainability of the instant petition and submitted that the petitioners were working as Vaccinators voluntarily; however, they were not appointed as Vaccinators. He further submitted that the post of Vaccinator is not a promotion post, therefore, the petitioners cannot be promoted against the said post; however, as and when the post is advertised, they will be provided the chance to compete in the test through third party contractor. At this stage learned AAG pointed out that the petitioners appeared in the recent recruitment process of Vaccinators; however, they could not pass the test. He prayed for dismissal of this petition.

5. Heard the parties and perused the material available on record.

6. During the course of arguments, we have been informed that the petitioners, who are Attendant and Sanitary Worker, are performing their duty as Vaccinators. The post of Vaccinator is purely a technical post and the same cannot be assigned to a non-technical person/employee who has no relevant qualification and/or experience to administer the vaccine to the public at large. Keeping in view such a situation, this Court, vide common judgment dated 12.02.2021 passed in C.P No.D-7382 of 2019 and other connected petitions specifically directed the competent authority to establish an institute for the training of Vaccinators within three (03) months, and the candidates, who opted for the post of Vaccinator were ordered to undergo training of Vaccinator from a recognized Institute of Nursing and/or Government Hospital before administering the subject vaccine to the public at large.

7. We regret to note that despite the above specific directions the un-professional /non-technical persons /employees have been allowed to administer the vaccines to the public at large, which besides being contemptuous is a practice to play with the lives of human being. Accordingly, the competent authority of respondent department is directed to take care of the aforesaid practice and immediately take appropriate measures for appointment of Vaccinators strictly under law.

8. Coming to this case, we observe that the post of Vaccinator is purely technical the same cannot be claimed by promotion, which too by a non-technical person/employee. Therefore, this petition being meritless is dismissed. However, the petitioners are at liberty to appear

and compete in the recruitment process, as and when initiated by the respondents for the subject post; however, subject to all just exceptions as provided under the law.

JUDGE

JUDGE

Sajjad Ali Jessar