

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP. No. D- 3762 of 2013

Date _____ Order with Signature(s) of Judge(s) _____

Priority

1. For hearing of Misc No.24971/2013
2. For hearing of Misc No.24972/2013
3. For hearing of main case

11.01.2022

Mr. Muneeb, advocate holding brief for Mr. Haider Waheed advocate
for the petitioner
Syed Hussain Shah, Assistant Advocate General Sindh

At the very outset, learned counsel for the petitioner seeks disposal of this petition in terms of the decision rendered by this Court in the common judgment dated 13.02.2020 in C.P. No.D-228 of 2004 and other connected petitions. An excerpt of the judgment is reproduced as under:

“22. As a result of above discussion, the petitions are disposed of in the following terms:-

i. The Chief Secretary, Government of Sindh is directed to constitute an Inquiry Commission, consist of three members i.e. senior member SPSC, Secretary, Service General Administration & Coordination Department (SGA&CD) and Secretary Law, Government of Sindh.

ii. The Chief Secretary shall notify the Inquiry Commission with the names of its members within fifteen days.

iii. The venue of inquiry shall be the office of Secretary, SGA&CD, Government of Sindh.

iv. The Inquiry Commission shall examine the entire competitive examination 2003 process and also summon the relevant record including the inquiry report and recast result.

v. The Inquiry Commission shall also summon all the petitioners, private respondents including those who have filed applications under Order I Rule 10 CPC for impleading them in the petitions either to support or oppose and the persons who participated in the process and declared successful but not made party to the aforesaid petitions. The Inquiry commission shall vet the list of successful candidates also so that equal opportunity should be provided to all concerned persons. The Inquiry Commission shall provide ample opportunity of hearing to all concerned. The first date of inquiry shall be communicated in writing at least ten days before the first inquiry session.

vi. The Inquiry Commission shall take stock of illegalities committed in the appointment process of 2003 competitive examination that how incompetent or unsuccessful candidates were appointed and deserving candidates were declared failed, the Inquiry Commission shall submit the comprehensive report with practicable and rational recommendations to the competent authority. It was also addressed to us during course of hearing that some of the candidates who were declared failed by fraudulent means are already in Government jobs through different process even so in a different service structure and they have also claimed the treatment at par with those who were appointed in 2003 process on account of favoritism and nepotism. The recommendation of the inquiry commission shall also take account of equitable pathway for those candidates if proved that they appeared in the process and passed the examination but declared failed by *hook* or by *crook* and were deprived and left out despite merit then what is most possible venue of progression

commensurate to their existing jobs for ventilation and alleviation of sufferings, injustice and long-drawn-out distress.

vii. The Inquiry Commission shall conclude the proceedings within six months and Secretary Law, Government of Sindh shall submit the report duly signed by all inquiry commission members to the Chief Secretary, Sindh.

viii. The competent authority shall consider the recommendations and pass necessary orders within one month without any discrimination or favor or bias and communicate the outcome to all concerned. However, no adverse action shall be taken against any person without serving show cause notice and providing a fair right of personal hearing.

ix. Since we have already provided right of audience by the Inquiry Commission to all petitioners and private respondents including those who applied under Order 1 Rule 10 C.P.C by their separate applications to become party in the above petitions so we also deem them proper and necessary party consequently, they are impleaded and all the pending applications filed under Order 1 Rule 10 C.P.C are disposed of accordingly. The amended title may be filed by the petitioners in the concerned petitions.

x. The compliance report shall be submitted by the Chief Secretary Sindh through Advocate General Office.

xi. In the end, we also feel it our utmost sense of duty to direct Sindh Public Service Commission to uphold transparency, fairness and impartiality in all examinations conducted by them in future and make selection on merit alone which is keystone and foundation for maintaining their integrity and uprightness as an institution of repute.

xii. Copy of this judgment may be transmitted to the Chief Secretary Sindh, Chairman SPSC, Secretary, Service General Administration & Coordination Department (SGA&CD), Secretary Law, Government of Sindh and learned Advocate General Sindh for compliance.”

To the aforesaid proposition, learned Assistant Advocate General Sindh seeks time to place on record the compliance report on the next date of hearing. Time is granted.

Adjourned to 14.02.2022.

JUDGE

JUDGE