

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

Constitutional Petition No. D –1753 of 2021

Date	order with signature of Judge(s)
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For hearing of Misc. No.29868/2021 (Contempt)

13.1.2022

Mr. Abdul Salam Memon, advocate for the petitioner
Mr. Ali Safdar Depar, AAG along with
Mr. Ghulam Ali Birhmani Additional Secretary SGA&CD Government of Sindh

This petition was disposed of along with other connected petitions vide order dated 06th September 2021. An excerpt of the order is reproduced as under: -

“Accordingly, we dispose of CP. No.D-4317 of 2021 with direction to the Chief Secretary Sindh that he shall decide representation of the petitioners in view of order dated 19.01.2021 passed by the apex court as well as CP. No.D-1753 of 2021 is also disposed of with direction that there is shall not be promotion of Assistant Commissioners until that representation is decided. Needless to mention that Chief Secretary Sindh shall consider all the grounds in the representation filed by the petitioners as well as provide opportunity of personal hearing. Besides, on identical footings we have decided CP. No.D-4115 of 2021 by order dated 30th August 2021. It is expected that Chief Secretary Sindh will complete this exercise within two months.

Accordingly, all listed applications are disposed of in terms of above. ”

Heard learned counsel for the petitioner. It is contended that the order of this court has not been complied with in its letter and spirit, which is in line with the order of the Hon'ble Supreme Court of Pakistan passed in Civil Appeals No.489 to 491 of 2017 and 199-K to 104-K of 2016 and Civil Petitions No.563-K to 565-K of 2016, which decided the fate the service appeals and while setting aside the decision of Sindh Service Tribunal, directed the Sindh Government functionaries with certain guidelines as mentioned in paragraph-5. However, the compliance report submitted by the Chief Secretary, Sindh is lacking in certain points, thus such report needs to be set at naught so far as clause (d) of paragraph-5 of the order of the Hon'ble Supreme Court of Pakistan is concerned, which is self-explanatory.

Learned AAG has refuted the stance of learned counsel for the petitioner with the assertion that the petitioner including other Mukhtiarkars was heard by the Chief Secretary, being the appellate authority and in the exercise of his powers conferred under rule-5(1) of the Sindh Civil Servants (Appeal) Rules 1980; and, decided their respective appeals vide orders dated 10.01.2022 against the final seniority list of Mukhtiarkars (BS-16) issued by the Board of Revenue Sindh and in compliance of the orders passed by the Hon'ble Supreme Court of Pakistan, the respondent Board of Revenue has issued the notification dated 08.06.2021.

We have gone through the appellate orders dated 10.01.2020 passed by Chief Secretary Sindh as well as the final seniority list of Mukhtiarkars for the year 2015 and perused the other material available on record.

Prima facie, the substantial compliance of the order passed by this Court has been made and notification dated 08.06.2021 has been issued. If the petitioners feel so aggrieved by the decision of the Chief Secretary and final seniority list of Mukhtiarkars, they may avail their respective remedies as provided under the law.

In view of the above compliance report, we see no further action on our part, thus the listed application stands disposed of.

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