

IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Aftab Ahmed Gorar

Mr. Justice Adnan-ul-Karim Memon

C.P. No. D- 2739 of 2021

Iqbal Ahmed
Petitioner
through : Mr. Zulfiqar Ali Domki, advocate

Respondents
Though : Mr. Ali Safdar Depar, AAG

Dates of hearing
& order : **13.01.2022**

ORDER

Through this petition, the petitioner is seeking enforcement of the judgment of the Hon'ble Supreme Court of Pakistan rendered in the cases of Contempt Proceedings against Chief Secretary, Sindh and Others, 2013 SCMR 1752, Province of Sindh v. Ghulam Fareed, 2014 SCMR 1189, Ali Azhar Khan Baloch v. Province of Sindh, 2015 SCMR 456 and also seeks direction to the official respondents to remove the private respondents and other employees posted on SCUG posts, inter alia, on the ground that the posting orders of non-SCUG employees against posts meant for SCUG officers are illegal, unlawful, unconstitutional, malafidely, arbitrary, discriminatory and in violation of principles of natural justice, equity and fairness; that the services of the employees of local council are not transferable and the impugned orders have been issued at the whims and wishes of the official respondents; that the official respondents are exercising authority colorfully and without any justification; by doing this, the respondents have paralyzed the whole system of the local Government Department i.e. financially and administratively; that the impugned posting orders of non-SCUG employees are in violation of judgments of the superior courts and seriously offend principle of good governance as this does not help in maintaining discipline and also affects the entire working of the department; that the impugned orders are clear example of violation of law, constitution and principles of rules of law and it makes worst kind of favoritism.

2. On the contrary, learned AAG has opposed this petition on the ground that there is no deputation, working illegally in councils, besides there is no concept of mention a word 'non SCUG'; that as per provision of Sindh Local Government Act, 2013 under Section 121(4) read with (5), there is only one service i.e. SCUG; that all employees no matter council employees are all SCUG employees; that there is no violation of the judgment of the Hon'ble Supreme Court. He prayed for the dismissal of this petition.

3. Be that as it may, since the allegations leveled by the petitioner for posting of non-SCUG employees in SCUG service in violation of judgment passed by the Hon'ble Supreme Court of Pakistan in the cases of Province of Sindh v. Ghulam Fareed, **2014 SCMR 1189**, Ali Azhar Khan Baloch v. Province of Sindh, **2015 SCMR 456** and various orders passed by this Court on the issue of look after/additional charge and posted incommensurate to their grade and/or (OPS), posting or outsiders in SCUG service on deputation or by transfer in violation of the Rules 1982, we under the circumstances of the case, direct the Chief Secretary, Sindh, and Secretary Local Government Sindh/Board to prepare a complete list of the employees of local Government/Board including SCUGC employees, their original designation with the date of initial appointment, date of promotion, induction of outsiders in SUGC service by transfer and/or deputation if any and submit a report by scrutinizing their record on or before the next date of hearing.

To come up after three weeks.

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Nadir*