ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.D-5927 of 2019

Date Order with signature of Judge

Present

Mr. Justice Muhammad Ali Mazhar Mr. Justice Amjad Ali Sahito

Gazetted Officers' Association (School Administration Cadre)......Petitioner

Versus

Province of Sindh & others......Respondents

<u>01.04.2021</u>

Malik Naeem Iqbal, Advocate for the Petitioner.
M/s. M. Arshad Khan Tanoli & Danish Rashid Khan,
Advocates for the Petitioner.
Mr. Sheheryar Mehar, A.A.G.
Mr. Ahmed Bakhsh Narejo, Secretary, School Education
& Literacy Department, Government of Sindh a/w
M/s. Jawed Ali Khowaja, Deputy Secretary and
Khursheed Khuhro, Section Officer.

Mr. Junaid Ahmed, Provincial Assistant Registrar, Joint Stock Companies, Government of Sindh, Karachi.

Muhammad Ali Mazhar, J: Though in the order dated 16.03.2021 the learned Division Bench of this court framed some questions to be answered but in fact the matter relates only to the decision on a representation dated 27.02.2018 submitted to the Secretary, School Education and Literacy Department, Government of Sindh as well as the Secretary Finance, Government of Sindh by the petitioner being an association of the Gazetted Officers (School Administration Cadre). We have categorically asked the learned A.A.G. whether the Government of Sindh has any objection on filing of this petition by the association or whether there is any bar in the Civil Servants Act or in the enabling rules to form such association? The learned A.A.G. clearly stated that they have no objection to the formation of any association. Mr. Ahmed Bakhsh Narejo, Secretary, School Education & Literacy Department,

Government of Sindh is also present and confronted with the same questions. He is also of the view that there is no objection to the formation of such association as well as the same reply has been given by Mr. Junaid Ahmed, Provincial Assistant Registrar, Joint Stock Companies, Government of Sindh, Karachi that under the law there is no such restriction. The learned counsel for the petitioner made reliance on the judgment rendered by the learned Division Bench of this court in the case of Liaquat Ali Ghanghro vs. Province of Sindh (2007 CLC 923) and argued that all relevant aspects identical to this petition have already been dealt with in the earlier dictum laid down by this court in the above case. The concise controversy in this case is only the pendency of the representation available at page 53 of the petition. In fact in the representation the petitioner invited the attention to some office orders of the Education Department as well as the office orders issued by the Finance Department on the subject of upgradation of post under four tier formula on school side and according to their representation it is further alleged that the Finance Department agreed to the upgradation of the posts from B-17 to B-18, B-19 and B-20 under four tier formula of school teachers in Sindh. The learned A.A.G. as well as the Secretary, School Education & Literacy Department both have agreed that the representation of the petitioner will be decided in accordance with law and a speaking order shall be communicated to the petitioner's association within a period of one month. The petitioner's representative shall also be provided the right of audience at the time of hearing of the representation. Petition is disposed of accordingly.

Judge

Judge