

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-7529 of 2017

Date	Order with signature of Judge
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Before:-
Mr.Justice Muhammad Ali Mazhar
Mr.Justice Amjad Ali Sahito

Sheikh Arshad Ali & othersPetitioners

V/s

**Sindh Building Control Authority
& others.... Respondents**

01-04-2021

Mr.Anwar Hussain, Advocate for the Petitioners.
Mr.Muhammad Arshad Khan Tanoli, Mr.Muhammad Shahzad Qureshi and Mr.Danish Rashid, Advocates for SBCA
Mr.S.M. Tariq Ali Naqvi, Deputy Director (Admin), SBCA is present.

Mr.Shaharyar Mehar, Assistant Advocate General.

Mr.Hussain Bohra, Assistant Attorney General.

Muhammad Ali Mazhar, J: The case of the petitioners is that they are serving as Assistant Director (Technical), BPS-17 in Sindh Building Control Authority (SBCA). In fact they have approached this court for declaration that the ratio of appointment and promotion for B.Tech (Hons) Degree Holders as laid down in Sindh Building Control Authority (Recruitment) Regulations, 2016 is discriminatory and unjust as compared to the ratio provided for B.E.

2. The Sindh Building Control Authority (Recruitment) Regulations, 2016 were framed by the Government of Sindh in exercise of powers conferred by clause (a) of sub-section (2) of Section 21-A of the Sindh Building Control Authority Ordinance, 1979. According to Appendix-A, Method of Recruitment, Entry

No.9 is germane to the post of Deputy Director Buildings (BS-18) (Technical) in which ratio of promotion has been classified. The petitioners are perturbed to 7% ratio mentioned for B.Tech persons, whereas 13% has been fixed for diploma holders in civil engineering.

3. During course of arguments, learned counsel for the petitioners pointed out various representations, which were sent to Secretary, Local Government Department, Director General, SBCA, concerned Minister and worthy Chief Minister Sindh as well as worthy Governor Sindh, but no action has been taken so far, nor any right of audience was provided to them to place their point of view. Photocopies of representations are available at pages 129, 133, 135, 141, 145, 149, 153, 157, 161 & 189 of the court file. Learned counsel for the petitioners reiterated that neither their representations have been decided nor any action has been taken, which is causing frustration amongst the petitioners and similarly placed persons.

4. When we confronted these undecided representations to the learned counsel for SBCA and Mr.S.M. Tariq Ali Naqvi, Deputy Director (Admin), SBCA they clearly stated that the representations of the petitioners will be decided by the competent authority after providing ample opportunity of hearing. When we asked to the officer present in court, who is competent authority to decide the pending representation and propose some recommendations if he agrees to the representation filed by the petitioners, he informs us that the Secretary, Local Government Department, Government

of Sindh is the competent authority, which has also been confirmed by the learned Assistant Advocate General. Learned counsel for the petitioners agrees to this proposal, however, he requests that some time may be fixed in the order so that the representations may be expeditiously decided, which are pending since long.

5. In view of the above, this petition along with pending application is disposed of with the directions to the Secretary, Local Government Department, Government of Sindh to consider the representation of the petitioners and pass speaking order after providing ample opportunity of hearing within 45 days.

Office is directed to transmit copy of this order to Chief Secretary Sindh, Secretary, Local Government Department, Government of Sindh as well as learned Assistant Advocate General for compliance.

Judge

Judge

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