

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

C.P. No.D-77 of 2021.

DATE	ORDER WITH SIGNATURE OF JUDGE
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	For orders on M.A. No.399/2021.
	For orders on office objections.
	For orders on M.A. No.400/2021.
	For orders on M.A. No.401/2021.
	For hearing of main case.

20.01.2021

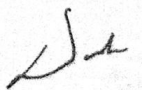
Mr. Hemandas S. Sanghani advocate for the petitioners.

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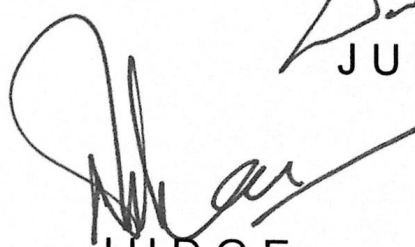
1. Urgency granted.

2to5. Through the present petition, the petitioners have prayed that the DPC constituted by the respondents be declared as illegal, and the respondents be directed to revise the seniority / promotion list by giving priority to them. They have further prayed that the impugned seniority list dated 22.08.2019 issued by the respondents be cancelled. It is an admitted position that all the petitioners are civil servants. It is well-settled that the questions of seniority and promotion fall within the terms and conditions of service and only the Service Tribunal has the jurisdiction to entertain any dispute in respect thereof. This view is fortified by Ali Azhar Khan Baloch versus Province of Sindh, 2015 SCMR 456. Moreover, in such matters, civil servants do not have any vested or fundamental right as held by Hon'ble Supreme Court in Chairman, FBR through Member Administration versus Muhammad Asfandiyar Janjua and others, 2019 SCMR 349, Secretary, Government of Punjab and others versus Dr. Abida Iqbal and others, 2009 PLC C.S. 431, Government of Khyber Pakhtunkhawa and others versus Hayat Hussain and others, 2016 SCMR 1021, and Khan M. Mutiur Rahman and others versus Government of Pakistan, 2006 PLC (C.S.) 564.

In addition to the above, the petition is also hit by the doctrine of laches as the impugned seniority list was issued on 22.08.2019, whereas the petition was filed on 16.01.2021. Learned counsel for the petitioners has not been able to satisfy us regarding maintainability of this petition in



view of the law laid down by the Honourable Supreme Court. Accordingly, the petition and listed applications are dismissed in *limine* with no order as to costs.



JUDGE



JUDGE

Irfan Ali