Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No.D- 2686 of 2021

Date	Order with Signature of Judge

1. For order on Misc. No.11621/2021 (Urgency).
2. For order on Misc. No.11622/2021 (Exemption).
3. For hearing of main case.

19.04.2021 :

Syed Mehmood Akhtar Naqvi, petitioner in person.

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1. Urgency granted.

2. Exemption granted subject to all just exceptions.

3. It is submitted by the petitioner, who is present in person, that the captioned petition has been filed in the interest of public-at-large; and, just to enforce the judgment passed by the Honourable Supreme Court in *Province of Sindh & others v. Ghulam Fareed & others*, **2014 SCMR 1189**; the private respondents No.5 to 11 are holding the additional charge of the different posts in Auqaf Department, Government of Sindh on Own Pay Scale (OPS) in violation of Article 199(1)(b)(ii) of the Constitution; and, they are not qualified and or eligible to hold any post of higher grade i.e. BPS-17 that could only be held by the senior officers of the Auqaf Department, Government of Sindh, in case of the exigency of service, which is lacking in the present case. More particularly, the aforesaid assignment given to them is in direct conflict with the law laid down by the Honorable Supreme Court of Pakistan in the case of Ghulam Fareed (supra), and order dated 03.05.2019 passed by this Court in C.P. No.D-1159/2019 *Allah Dino V/S Province of Sindh and others*.

To see as to whether the private respondents No.5 to 11 are entitled to hold the additional charge of the different posts in higher grade in the Auqaf Department under the dicta laid down by the Honourable Supreme Court in the aforesaid case or otherwise, issue notice to the respondents as well as to learned Advocate General Sindh with direction to file comments before the next date of hearing i.e. **20.05.2021**. To come along with C.P. Nos. D-4434/2020 and 2573 of 2021.

J U D G E

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Zahid/*