

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
Constitutional Petition No.D- 2167 of 2021

Date	Order with Signature of Judge
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1. For order on CMA No.10697 of 2021.
2. For order on office objection No.18.
3. For order on CMA No.9299 of 2021.
4. For order on CMA No.9300 of 2021.
5. For hearing of main case.

19.04.2021 :

Mr. Abdul Rauf Malik, advocate for the petitioner.

1. Urgency granted.
2. Office objection to be complied with in one week's time.
3. Exemption granted subject to all just exceptions.

4&5. Primarily, the issue of out of turn promotion of respondent No.8, raised before this Court by the petitioner has already been decided by the Honorable Supreme Court in Criminal Original Petition No.89 of 2011 and other cases (2013 SCMR 1752) whereby the respondent-Sindh Small Industries Corporation vide Office Order dated 09.09.2013 reverted respondent No.8 from the post of Director (BS-19) to Deputy Director (BS-17) in the respondent-department (page 123). We have noticed that the petitioner was also one of the beneficiaries; and, he was also reverted from the position of Assistant Director (BS-16) to Clerk (BS-07). It is, *inter alia*, contended on behalf of the petitioner that respondent No.8 vide notification dated 29.04.2014 was again promoted from BS-18 to BS-19 in violation of the judgment passed by the Honourable Supreme Court as discussed supra. He further pointed out that respondent No.8 has now been relieved from the additional charge of the subject post vide notification dated 07.02.2019. He further argued that respondents No.8 and 9 are holding their respective posts in BPS-19 in violation of dicta laid down by the Honourable Supreme Court, thus their promotion is illegal and without lawful justification. He, therefore, prayed for notice.

To ascertain as to whether the directions contained in the judgment of the Honourable Supreme Court as discussed supra, has been properly adhered to or otherwise; and, whether the promotion of respondent No.8 in BPS-18 and 19 is against the constitutional command and dicta laid down by the Honourable Supreme Court in the aforesaid case. Let at the first instance, notice be issued to the respondents as well as to learned Advocate General, Sindh for **26.05.2021** with direction to file comments on or before the next date of hearing. Meanwhile, the official respondents are directed to act strictly in accordance with law.

JUDGE

JUDGE