

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-2216 of 2021

Order with signature of Judge

1. For order on Misc. No.1186/2021.
2. For order on office objection no. 18.
3. For order on Misc. No.9492/2021.
4. For hearing of main case.

30.04.2021

Ms. Fozia Muneer, advocate for the petitioner.

1. Urgency granted.
2. Office objection to be complied with within 07 days.
3. Exemption application is granted subject to all just exceptions.
4. The petitioner has brought this *lis* before this Court for direction to the respondents to grant the benefit of up-gradation as granted to the Inspectors of Charged Parking Department, Karachi Metropolitan Corporation (KMC) in the line with the dicta laid down by the Hon'ble Supreme Court in the case of Hameed Akhtar Niazi v. Federation of Pakistan and others, 1956 SCMR 1158. It is contended inter alia by the learned counsel that initially petitioner was appointed as Telephone Operator (BPS-05) in the year 1990 and later on the said post was upgraded to BPS-07 and, thereafter, he was transferred to the department of Charged Parking; and, subsequently promoted to the post of Senior Clerk BPS-09 in the year 2007; and, till the year 2016 he was working in the said department of Charged Parking. Later on, he was promoted to the post of Inspector (BPS-11). Per learned counsel, as per service structure of the department of Charged Parking, which has no venue for further promotion in the next higher grade, therefore, the summary was floated to the Competent Authority, which was accepted and the subject post was upgraded vide letter dated 15.10.2018; and, due benefits were given to all concerned in the year 2020, however, he was deprived of such benefits due to his transfer order. Per learned counsel, he is still entitled to up-gradation benefits. Per petitioner, he moved various applications to the Competent Authority for the aforesaid purpose on the premise that he has already crossed the age of 58 years; and, before his retirement, such benefits ought to be given to him under the law. He prays for notice to the respondents.

To appreciate as to whether the petitioner's case falls within the purview of the dicta laid down by the Hon'ble Supreme Court in the case of Hameed Akhtar Niazi as discussed supra or otherwise, let notice be issued to respondents as well as AAG for 10.05.2021 with direction to file comments on or before the next date of hearing.

JUDGE

JUDGE