

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No.D-391 of 2015**

DATE ORDER WITH SIGNATURE OF JUDGE(S)

Present:-

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Amjad Ali Sahito

Zahid Hussain & others.....Petitioner

Versus

Sindh Technical Education & Vocational

Training Authority (STEVTA), Karachi

& others.....Respondents

30.04.2021

Mr. Muhammad Arshad Khan Tanoli, Advocate for the
Petitioners

M/s. Karam Dad Khan Tanoli & Muhammad Saleem
Tanoli, Advocate for Respondent No.1

Mr. Jawad Dero, Addl. A.G.

Mr. Ahmed Nawaz, Addl. Director (HR), STEVTA

Muhammad Ali Mazhar, J: The case of the petitioners is that they were working as Instructor (BPS-14) in Labour Department, Government of Sindh and after formation of Sindh Technical Education & Vocational Training Authority (STEVTA), their services were transferred under Section 15 of Sindh Technical Education & Vocational Training Act, 2009 and placed at the disposal of respondent No.1. Petitioners have approached this court to impugn the notification dated 12.05.2014 as discriminatory whereby the petitioners were promoted against the post of BPS-16 instead of BPS-17 as Senior Instructor which was not in line with other stream of senior Instructor having similar qualification. *In tandem,*

the petitioners have also prayed for upgradation of the post of Instructor from BPS-16 to BPS-17. Whereas in paragraph 10 of the memo of petition it is further stated that being aggrieved by the alleged discriminatory treatment meted out to them, they filed departmental representations individually, collectively and through their association but no such departmental representation has been decided. On notice, Addl. Director HR, STEVTA is present and according to him, the petitioners were civil servant and they opted the job of respondent No.1. If they will give option in writing to opt the entire terms and conditions embodied in the STEVTA laws the same will be made applicable to them. Learned counsel for the petitioners argued that directions may be issued first to decide the pending representations of the petitioners and this aspect may be confronted to the petitioners at the time of providing right of audience to them. Learned Addl. A.G., counsel for respondent No.1 and Addl. Director (HR) STEVTA all agree to the proposal given by the learned counsel for the petitioners. Petition is disposed of with directions to respondent No1 to decide the pending representations of the petitioners within a period of 60 days in accordance with law. Respondent No.1 shall ensure that at the time of deciding the representations, the individual petitioners will be provided opportunity of hearing and if the representation

of any of the petitioners is missing from the record of respondent No.1 he will be communicated so that he may file his representation or copy of earlier representation within 07 days. The copy of this order may be transmitted to the learned Addl. A.G. and Managing Director of STEVTA.

JUDGE

JUDGE

Kamran/PA