

Finally he appeared on a hearing on 23.04.2019 before me.

The case was thoroughly discussed and Mr. Afaq Qureshi was given full opportunity and a meaningful hearing. He acknowledged that all his dues, including salaries for the period he was in surplus pool and his pension benefits have been paid.

He also conceded the fact that seniority could have been assigned only if he had been absorbed against some post which is not the case; 9(A) of Sindh Civil Servants (APT) Rules 1974 was relied upon (Annex-D) which stipulates that:

“..... a person who has been rendered surplus Seniority of such person in the new cadre shall be reckoned from the date of appointment in the cadre.....”

In the case of Mr. Afaq Qureshi, surplus employee, now retired promotion is not possible as no appointment in any cadre was made hence no seniority was assigned.

Taking into consideration all the above and as directed by High Court, I hereby reject the prayer of the petitioner regarding determination of seniority and promotion based on seniority during his placement in surplus pool, being not covered under the relevant rules.”

3. *Prima facie*, it is not a matter of dispute that detailed order was passed by this Court in CP No.D-4666/2013 vide judgment dated 23.10.2018 therefore, the authority was required to pass the order *strictly* keeping in view those detail (s) / guidelines which do not reflect from said order. The position, being so, is sufficient to say that we are not impressed by the plea taken by the AAG Sindh. Accordingly impugned order is set aside; the Chief Secretary Sindh shall pass fresh order within the light of judgment dated 23.10.2018 passed by this court in CP No.D-4666/2013 and submit compliance report preferably within one month.

To come up on 08.09.2021.

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