

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI
CP.No.D-269 of 2020

Date: Order with signature(s) of the Judge(s)

- 1- For orders on MIT-II report dated 07.07.2021.
- 2- For hearing of CMA No. 17843 of 2021. (Contempt).

24th August 2021

Mr. Zahid Ali Metlo, advocate for petitioner.
Mr. Ali Safdar Depar, AAG.
Mr. Ghulam Akbar Lashari, advocate for SBCA.

At the outset, learned counsel for the petitioner has referred concluding remarks of Director, Town Planning Department which are that:-

Concluding Remarks.

9. *In view of the above factual position, the Departmental Promotion Committee may be consider the promotion of Mr. Muhammad Arif Memon, Assitant Direction (BS-17) Town Planning (Head Quarter) Government of Sindh @ Hyderabad for promotion to the post of Director (BS-19), Town Planning Department Government of Sindh.*

and this petition was disposed of by order dated 01.06.2021. Relevant para-8 is that:-

“8. In view of the foregoing discussion, the competent authority of respondents is directed to issue the retirement notification of the petitioner in the same pay and scale as per the working paper prepared by the respondent-Town Planning Department Hyderabad, under the law, from the date of his attaining the age of superannuation i.e. 03.03.2018; and, pay all his retirement and other benefits along with his salary of the intervoening period, if not paid earlier; and perks and privileges to which he was entitled to on the issuance of notification of his retirement within one month’s time without any delay and submit compliance report with the MIT-II of this Court. |

Whereas, compliance report is available which speaks that retirement notification of the petitioner has been issued in grade-17 by notification No. NO.SO(G)/HTP/SBCA/7-23/2021 dated 14.07.2021.

Perusal of above, reflects that department was required to issue notification in view of working papers prepared by Director Town Planning Department. Besides, it has been surfaced that petitioner was working as Deputy Director BS-18 and notification of retirement speaks in grade-17, whereas judgment of this Court clearly depicts directions that notification shall be issued in view of Working papers. Accordingly, Chief Secretary Sindh and Secretary Local Government shall ensure that notification has been issued in grade-19. In case of failure, contempt proceedings will be initiated against them as well as they shall appear in person with explanation. This exercise shall be completed within 15 days.

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SAJID.