

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI  
CP.No.D-558 of 2018

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Date: Order with signature(s) of the Judge(s)  
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For hearing of CMA No. 14694 of 2021.  
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**02<sup>nd</sup> September 2021**

Ms. Shazia Zafar, advocate for the petitioner.  
Mr. Ali Safdar Depar, AAG.  
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Malik Altaf Hussain, advocate files memo of appearance on behalf of respondents/KMC; taken on record.

Pursuant to order of this Court counsel for respondent Nos.2 to 4 has filed statement contending therein that they have recommended the case of the petitioner for promotion and approval is awaited. Whereas, written reply is filed on behalf of Local Government through AAG, who contends that this issue pertains to **Sindh Local Council Employee (Service) Rules, 2017**, to be regulated by the KMC itself. Hence, any delay with regard to requisition of approval by the KMC shall not be the reason to deprive the petitioner from promotion. Accordingly, Secretary Local Government shall ensure that requisition of KMC is approved within 15 days in view of order dated 21.12.2020. At this juncture, learned AAG contends that the said order reflects that direction is not in a mandatory nature as concerned quarter was directed to consider the case for promotion. It would be conducive to refer paragraphs No. 8 & 9 which are that:

“8. Basically, the petitioner was appointed as a Clerk in BPS-05 on 02.12.1980 and his grade was enhanced and placed in BPS-06 vide office order dated 27.10.1985. Prima-facie, his juniors have been promoted in various grades whereas the petitioner has been ignored without disclosing his ineligibility or otherwise.

9. Keeping in view the above facts and circumstances of the case, we have no option but to direct the competent authority of the respondent department to consider his case for promotion along with his batch mates within one (01) month from the date of receipt of this order. This petition stands disposed of along with pending application(s) in the above terms with no order as to costs.”

Perusal of above reflects that the word "consider" within adjudication made by this Court amounts approval to be promoted, hence, concerned Authority has already recommended the case for approval, therefore, the petitioner's case shall be approved as per recommendations within 15 days with compliance report.

J U D G E

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SAID.