

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-8796 of 2017

Before: Muhammad Shafi Siddiqui, J
Adnan Iqbal Chaudhry, J

Mr. Babar Jameel & others

Versus

Federation of Pakistan & others

Date	Order with signature of Judge
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1. For hearing of CMA No.36805 /17
2. For hearing of main case

Date of Hearing: 29.10.2019

Petitioner: Through Mr. Sanauallah Noor Ghouri Advocate

Respondents: Through Mr. Muhammad Nishat Warsi D.A.G along with Ali Muhammad Section Officer, Ports & Shipping Davison, Karachi.

ORDER

Muhammad Shafi Siddiqui, J.- Petitioners have filed this petition for issuance of offer letter/appointment letters to them. The petitioners claimed to have applied on the basis of advertisement dated 10.7.2016. The process commenced and it is claimed that the petitioners were shortlisted to be appointed. The concerned ministry then finalized the list as available at page-71, annexure P-12. Apparently this letter is undated.

2. Counsel submits that despite clear and transparent process, the appointment letters were not issued to the petitioners hence they have filed this petition.

3. Mr. Nishat Warsi learned DAG has relied upon O.M. dated 20.10.2017 for filling up of the vacant posts in Directorate General of Ports & Shipping, Ministry of Ports & Shipping, Karachi. It is claimed that the entire process of the recruitment based on the subject

advertisement was scrapped and fresh summaries were floated before the worthy Prime Minister. Learned DAG further pointed out that a miscellaneous application was received in the office of respondent No.2 that the tests conducted by the office for the recruitment of applicants from BPS-1 to BPS-5 was not warranted as well as invalid as during scrutiny of the case it was observed that since the recruitment was to be made within 6 months for which NOC was issued vide office memorandum dated 07.4.2016, which period lapsed.

4. We have heard the learned Counsel and perused the material available on record.

5. At the very outset, we have enquired from the learned Counsel as to whether any recruitment was made on the basis of advertisement. Both the learned Counsel have denied, thus admittedly no one was recruited in pursuance of such advertisement. It appears that on consideration of facts and circumstances, the Establishment Division in pursuance of letters dated 07.9.2017 and 16.10.2017 referred the Ministry of Ports & Shipping on the subject for filling the vacant posts in the Directorate General of Ports & Shipping after obtaining NOC from the Establishment Division as it was mandatory before making any kind of recruitment. Moreover the requisite staff with matching qualification, experience and grade was to be searched in the surplus pool before recruitment by making an advertisement. Thus such 16 posts could have been filled in accordance with recruitment rules subject to completion of all codal formalities and in line with the recruitment policy dated 22.10.2014 as amended from time to time. The recruitment policy dated 22.10.2014 provides that in terms of para-1(xiii) the process of recruitment to be finalized within 90 days from the date of advertisement. Similarly in terms of recruitment policy para-1(xvii) the advertisement to be published for the recruitment after routing the same through the Ministry of Information and Broadcasting, thus no direct advertisement could be placed by any organization. On these

counts, based on the recruitment policy dated 22.10.2014, the process of the recruitment as initiated in pursuance of the advertisement were scrapped being violative. Thus no indulgence as such is required, the petition was accordingly dismissed vide short order dated 29.10.2019 and above are the reasons for the same.

Judge

Dated:

Judge