

IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-3805 of 2022

Date Order with signature of Judge

Present: Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Arshad Hussain Khan

Petitioner: Muhammad Awais
Through Mr. Abdul Rauf, Advocate.

Respondent s: Through Mr. Abdul Jalil Zubedi,
Additional Advocate General Sindh.

- 1) For order on office objection.
- 2) For hearing of CMA No. 16624/22.
- 3) For hearing of main case.

Date of hearing: 17.11.2022
Date of Order: 17.11.2022.

J U D G M E N T

Muhammad Junaid Ghaffar, J: Through this Petition, the Petitioner has sought the following relief(s):-

"a) Direct the respondent No.2 his sub ordinates not to discriminate, victimize the petitioner in shape of dismissal, termination, transfer and not to take any other coercive action against the petitioner.

b) direct the respondents to increase the salary as per service and current situation of the country and to determine and fix other allowances and service benefits according to fresh appointed candidates in Special Protection Unit for CPEC on 12.05.2022 as the petitioner was already taking 33839/- in year 2021 which may be increased up to Rs.50,000/-

c) Hold, declare and direct the petitioner as resigned army candidate who is eligible to apply the fresh qualifying position in the department, therefore in such regard direct the respondent No.2 to allow the petitioner to apply for fresh qualifying position and grant age relaxation thereon.

d) Hold and declare that the reduction of salary of the petitioner while bringing him back to contact employment from regular basis form May, 2021 to till date and direct the respondent No.2 to pay the said illegal deducted salary that comes to Rs.129,766/- to the petitioner.

e) Grant any additional or further relief considered fit in the circumstances of the case."

2. Learned Counsel for the Petitioner submits that the Petitioner was appointed on 12.06.2018 as Police Constable (BPS-5) and was working as Security Personnel of Chinese Nationals working on CPEC Project. He further submits that one Abdul Ghaffar had approached this Court by way of C.P No. D-3913/2020, challenging the appointment of petitioner including other persons and vide Order dated 14.12.2020 the Petition was allowed and the Petitioner's appointment order along with others were set-aside with certain directions. He lastly submits that pursuant to such order,

the Petitioner once again passed the test and has been appointed; however, the aforesaid benefits now being claimed are not paid to him.

3. On the other hand, learned AAG opposed the petition on the ground that the directions, as contained in Order dated 14.12.2020 have been complied with and no further relief can be granted.

4. We have heard the learned Counsel for the Petitioner as well as learned AAG and perused the record. The operative part of the order passed by this Court on 14.12.2020, in CP No.D- D-3913/2020 reads as under:-

“20. The appointment order dated 12.06.2018 filed by IGP Sindh as annexure 'M' to his compliance report / comments dated 14.12.2020 regarding appointment of contractual employees / ex-army personnel as police constables on regular basis, is hereby set aside. The competent authority / Inspector General of Police Sindh is directed to thoroughly scrutinize the candidature of the petitioner and all other police constables / ex-army personnel in BS-05, and **if they are found eligible and fit to be admitted as police constable in Sindh Police, they should be retained on contract basis only for the CPEC project.** The competent authority / Inspector General of Police Sindh is further directed to complete this exercise within two (02) months from the date of receipt of this judgment and to submit compliance report to this Court through MIT-II. Issue notice to the Chief Secretary Sindh and the Inspector General of Police Sindh for compliance.” (Emphasis supplied)

5. From perusal of the aforesaid order passed by a learned Division Bench of this Court, it appears that the appointments of Petitioner and others were set-aside with further directions that if they are found eligible and are to be admitted as Police Constable in Sindh Police, they should be retained on contract basis only for the CPEC project. It is contended that in view of such Order though the Petitioner has been found qualified; but can only be retained on contract for the project in question. After going through the above order we are of the considered view that no case for any further relief is made out by the Petitioner including any extra allowance or even regularization as the directions contained in the said order are that they should be retained on contract basis only.

6. In view of above, no case for indulgence was made out; hence, by means of a short order, this petition was dismissed in the earlier part of the day and these are the reasons thereof.

J U D G E

J U D G E

Ayaz