

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Const. Petition No. D- 968 of 2021

Date of hearing	Order with signature of Judge
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Hearing of Case(Priority)

- 1.For orders on office objections.
- 2.For hearing of CMA 4402/2021
- 3.For hearing of main case

31-05-2023

Mr. Pervaiz Ali Jatoi, Advocate for the petitioners.

Syed Shafqat Ali Shah, Advocate for the respondents No.2 to 4 a/w Ali Gulzar Qazi, Administrator and Imtiaz Ali Soomro, CMO, Municipal Committee, Rohri.

Mr. Ahmed Ali Shahani, Assistant A.G.

ORDER

Pursuant to order dated 25.05.2023, learned counsel for the respondents No.2 to 4 files compliance report, which reflects that Municipal Committee, Rohri does not have its own Fire Tender, but 31 employees are posted in Fire Brigade Station, who are not only receiving their salaries, but also getting overtime. It also reflects that against 20 sanctioned posts for Fire Brigade Station, Municipal Committee Rohri, 31 employees are working, out of them initial appointment of 11 employees is not for Fire Brigade Station and they have been transferred and posted in Fire Brigade Station under internal transfers. *Prima facie*, said 11 employees have been given posting in Fire Brigade Station with intention to extend them more monetary benefits in the shape of overtime. It is, therefore, ordered that all the excess employees / staff of Fire Brigade Station, Municipal Committee, Rohri be transferred back to their respective positions, as per their initial appointment within seven days hereof.

2. The duties of sanctioned Fire Brigade Station employees / staff need to be divided into three equal portions of 08 hours in 24 hours with provision of

giving them holidays / alternate holidays. The respondents No.2 to 4 are directed to inform that in future no employee in Municipal Committee, Rohri shall be transferred and posted or given posting on deputation basis in Fire Brigade Station. In case, any vacancy in Fire Brigade Station falls vacant, the same shall be filled not by transfer from any other position of Municipal Committee Rohri or on deputation basis, but through appointment.

3. The Secretary, Local Government Department, Government of Sindh is directed to issue Circular to the effect that no employee shall be appointed in any Municipal Corporation, Municipal Committee, Town Committee, Union Council etc. in violation of the Schedule of Establishment, as provided under Section 123 of the Sindh Local Government Act, 2013 and no direct appointment be made in any Council by any officer / official of the Local Government Department including Secretary, Local Government Department without the Schedule of Establishment, prepared by the Council concerned under the said Provision of the Act.

4. Para-08 of the statement filed today reflects that the petitioners have not been given overtime duties after Office Order dated 29.12.2020 (Annex-C of the statement dated 31.05.2023). Learned counsel for the petitioners seeks time for filing counter-affidavit to the said statement.

5. Adjourned to **04.07.2023**. Office is directed to communicate copy of this order to the Secretary, Local government Department, Government of Sindh through learned AAG for compliance.

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