

Order Sheet

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 2331 of 2012

Date of hearing	Order with signature of Judge
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For directions

For hearing of CMA No.4627/2018 (C/A)

12.04.2023

Petitioner Shoukat Ali, present in person.

Mr. Nisar Ahmed G. Abro, Deputy Attorney General along with Saeed Ahmed Dawach (Chief Executive Officer, SEPCO, Sukkur) and Deepak Kumar (Manager H.R., SEPCO, Sukkur).

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Vide order dated 30.01.2018, instant petition was disposed of by this Court in the following terms:

"The grievance of the petitioner is that he was not promoted according to seniority by the respondents and other persons who were junior to him were promoted. During the course of hearing it was conceded on behalf of the petitioner that several representations / appeals were filed by him before the respondents which have not been decided and are still pending. It is stated that the representation / appeal filed by the petitioner is now pending before respondent No.4 Chief Executive Officer SEPCO Sukkur. In view of the above, respondent No.4 Chief Executive Officer Sukkur is directed to decide the petitioner's representation / appeal, if any, within thirty (30) days strictly in accordance with prevailing law, rules, regulations and policy and after providing opportunity of hearing to all concerned. Issue notice to respondent No.4 Chief Executive Officer SEPCO Sukkur for compliance.

By consent, the petition and listed application stand disposed of in view of the above."

Subsequently, the petitioner filed listed contempt application against the alleged contemnor i.e. Chief Executive Officer (SEPCO), Sukkur alleging therein that he has willfully and deliberately disobeyed the order dated 30.01.2018 and thus committed contempt of Court. The contention of the petitioner raised in the listed contempt application is that the alleged contemnor has not decided his appeal/representation in

accordance with law. The petitioner, who is present in Court, states that he should have been promoted from 2012 instead of 2015.

In response to the contempt application, comments have been filed; para-3 & 4 thereof being relevant are reproduced as under:

“3. That petitioner filed his Appeal/Mercy Petition for promotion and determination of seniority to the management of PEPCO, and on receipt of the said appeal, the same was sent to the answering SEPCO vide letter dated 07.08.2017, with direction to investigation the matter and detail report was called within 15 days positively for perusal of MD PEPCO.

4. The answering SEPCO, vide their letter dated 05.10.2017 sent detailed report to PEPCO, wherein, it was informed that case of the petitioner was deferred in the year 2012 due to the fact that he had not undergone mandatory promotion training which he did in the year 2013, and it was further informed that the Promotion Board for Meter Mechanic to Test Assistant was held on 17.09.2015 in which the applicant was promoted as Test Assistant (BPS-14) vide office Order No. SEO/SEPCO/SUK/M(HR)/A-3/27977-87, dated 23-09-2015, and copy of the said above referred letter to PEPCO and Promotion Order are enclosed herewith for the kind perusal of this Hon’ble Court as annexure ‘A’ and ‘A-1’.”

It is an admitted position that the case of the petitioner for promotion was deferred in the year 2012 due to the fact that he had not undergone mandatory promotion training which he did in the year 2013 and subsequently passed the departmental promotion examination; hence, he was promoted on his representation from 2015. The alleged contemnor has acted upon the order dated 30.01.2018 as per rules and regulations. The **contempt application** being devoid of merit is, therefore, **dismissed** accordingly.

J U D G E

J U D G E

Abdul Basit