

IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-6372 of 2023

Date	Order with signature of Judges
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For hearing of main case.

14.02.2024

Mr. Faisal Ahmed, Advocate for the Petitioner.

M/s Anwar Ali Shah and Ghulam Akbar Lashari, Advocate for SBCA.

Ms. Naushaba Haque Solangi, Assistant Advocate General, Sindh a/w Deputy Director SBCA Rehman Ahmed.

Mr. Ali Raza, Advocate files Vakalatnama on behalf of Respondents No.3&4.

By order dated 23.01.2024, directions were issued that Director and Deputy Director, SBCA shall be in attendance. Reply as well as Vakalatnama has been filed on behalf of Respondents No.2 and 3, which is taken on record.

Further, it has come on record that in view of Section 4 of the Sindh Building Control Ordinance 1979, Government has to notify the authority being relevant Section 4, 4-A and 4-B is reproduced as under:

4. Authority.

(1) Government may, by notification, appoint anybody corporate or council, or any department of such body corporate or council, or any Government department or functionary or any organization to act as Authority for such area as may be specified in notification.

(2) Where a body corporate, a council, or an organization, or any Government department or department of body corporate or council is appointed as Authority, the Chief Executive or incharge of such body corporate, or council of organization or department, as the case may be, shall act as the Chief Executive of the Authority.

4-A. Officers and Servants of the Authority.

(1) The Authority may appoint such Officers, advisers, experts, consultants, and employees for efficient performance of its functions and on such terms and conditions, as may be prescribed.

(2) All Officers, advisers, experts, consultants and employees appointed under sub-section (1) Shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV 1860) and shall be subject to such disciplinary action as may be of prescribed.

4-B. Supervision over the Authority

Government may appoint a Committee which may subject to the control and direction of Government oversee the functioning of an Authority.

Accordingly, notification shall be submitted whereby Authority as referred hereinabove has been constituted by Government of Sindh. Further Section 4-A provides appointment of Officers in different scales under the SBCA Ordinance 1979.

Upon query, counsel for SBCA contents that in routine, Authority notifies committee and inducts officers up to the grade of BPS-17 in view of Rules whereby candidates are required to appear in written test and viva voce. (DG) SBCA shall be in attendance and submit complete mechanism of appointment in terms whether such appointments are based on prometric system or through third party testing agencies as adopted by government of Sindh and shall also submit guidelines to conduct the exams. Complete details of recruitment within last six years shall be submitted including the details of tests conducted by that committee alongwith publications and mandate of that committee.

Further, Section 4B contents that Government of Sindh may appoint Committee which may subject to the control and direction of Government oversee the functioning of an Authority. Accordingly, Secretary Local Government, Government of Sindh shall submit notification, if any, under Section 4B referred above and focal person of Secretary Local Government, Government of Sindh shall be in attendance to assist the Court.

To come up on 28.02.2024 at 11:00 am.

Sd/-
JUDGE

Sd/-
JUDGE