

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

C.P. No. D - 2171 of 2025
[Tahir Hussain v. Registrar, High Court of Sindh]

| DATE | ORDER WITH SIGNATURE OF JUDGE(S) |
|-----------------|----------------------------------|
| <u>Hearing.</u> | |

1. For order on office objection.
2. For hearing of MA No.1574 of 2025.
3. For hearing of main case.

29-05-2025

None for the Petitioner.

Mr. Abdul Asif, Deputy Registrar (Gazette), High Court of Sindh.

Mr. Nadeem Ahmed Qureshi, Law Officer, Law Department.

The Deputy Registrar (Gazette), High Court of Sindh informs that the Registrar, High Court of Sindh (Respondent No.1) is before the Supreme Court of Pakistan in another matter, however, his comments are on the record. Grievance of the Petitioner appears to be that though he was promoted from Personal Assistant to Judge (BPS-17) to Private Secretary to Judge (BPS-18), his request for continuity in time-scale in BPS-19 was not considered. Comments of the Registrar are that such request has been declined.

We would not have proceeded further in the Petitioner's absence, however we are perturbed by the fact that what the Petitioner essentially seeks is a writ against an administrative order passed by the Selection Committee and Acting Chief Justice of the High Court and an interim order operates in this petition to hold that administrative order in abeyance. It was settled by the Hon'ble Supreme Court of Pakistan in *Gul Taiz Khan Marwat v. Registrar Peshawar High Court* (PLD 2021 SC 391) that a High Court Judge acting in administrative capacity under Article 208 of the Constitution nonetheless acts as the High Court, not as *persona designata*; and therefore, by virtue of sub-Article (5) of Article 199 of the

Constitution, a writ cannot be issued against his/her administrative orders. Therefore, while adjourning the matter, we vacate the interim order dated 14-05-2025.

To come up on **05-08-2025** at **11:00 am**.

JUDGE

JUDGE

*SHABAN**