

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**



C.P No.D-6572 of 2015

Present

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Zulfiqar Ahmad Khan

Naheed Azhar **Petitioner**

Versus

**Province of Sindh
& others** **Respondents**

Date of hearing 03.02.2016

Mr.Ayaz Shaukat, Advocate for the Petitioner

Mr.Muhammad Haseeb Jamali, Advocate for the Respondent No.2.

Mr.Abdul Jabbar Qureshi, AAG for Respondent Nos.1 and 3.

Muhammad Ali Mazhar J. This petition is brought to challenge the Notification dated 8.9.2015 issued by Acting Chairman, Sindh Revenue Board, Government of Sindh to repatriate the services of the petitioner on her own request and to report to her parent department i.e. Federal Board of Revenue (IRS) with immediate effect.

2. The brief facts of the case are that the petitioner is an officer (BS-20) of Inland Revenue Service (IRS), Federal Board of Revenue. She has challenged the order of her repatriation on the ground that neither she ever made any request for her repatriation to the parent department

nor the Acting Chairman, Sindh Revenue Board is competent to issue repatriation order or relieve the petitioner from her duties.

3. The learned counsel for the petitioner argued that vide Notification dated 5.8.2015, the services of the petitioner were transferred and placed at the disposal of the Sindh Government for further posting in Sindh Revenue Board Karachi on deputation basis on standard terms and conditions. The Services, General Administration and Coordination Department issued a Notification under the signatures of Chief Secretary, Government of Sindh through which the services of the petitioner were placed at the disposal of Sindh Revenue Board on deputation basis for a period of two years. Consequent upon this Notification, another Notification was issued on the same date whereby the Sindh Revenue Board was requested to float a summary to the Chief Minister Sindh for the approval of the petitioner as Member SRB. Learned counsel argued that the impugned Notification of repatriation was issued on 8.9.2015 on the wrong notion that the petitioner herself made a request for repatriation, on the contrary, the petitioner never asked for repatriation or relieving her from her present assignment in the SRB. She wrote a letter to the Acting Chairman, SRB with clear statement that she had not made any request nor she had any intention to do so. Since the Acting Chairman failed to take any action for the withdrawal of impugned Notification, therefore, the petitioner on 14.9.2015 also wrote a letter to the Chief Secretary Sindh in which she had mentioned all the details and grievances. As a result thereof, the Chief Secretary Sindh issued a Notification on 15.9.2015 by

means of which he cancelled/withdrawn the repatriation order dated 8.9.2015 and on the same date Services, General Administration and Coordination, Government of Sindh also intimated the Acting Chairman, SRB that the Notification of the petitioner's repatriation has been cancelled/withdrawn and he was also requested to furnish comments. The learned counsel further argued that despite withdrawing or cancelling the Notification the petitioner was not allowed to join and much hue and cry was raised regardless of withdrawal or cancellation of the repatriation order by the Chief Secretary Sindh who is the competent authority in the matter.

4. It was further contended that the competent authority is the Chief Secretary, Government of Sindh but the respondent No.2 flouted the Notification issued by him on 15.9.2015. As a matter of fact the Notification of respondent No.2 was in violation of sub-section (5) of Section 3 of Sindh Revenue Board, Act, 2010 in which though it is provided that the Government may designate any member who shall act as an Chairman in the absence of Chairman, but it is a matter of fact that the contract of respondent No.2 has expired on 27.2.2015, which was never extended by the Government, therefore, at present he is holding the post of Acting Chairman without lawful authority. It is further stated that the respondent No.2 has illegally blocked the salary of the petitioner which is her fundamental right to receive and also not allowing access in the office. To strength the arguments, the learned counsel put on display the table attached with the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974. According to Entry No.1 (a) the competent authority to make transfer of





officers of the Federal Government working under the Provincial Government is Chief Minister through Services & General Administration Department and department to issue order of transfer is Services General Administration Department whereas under Entry No.12 of the same table, the Chief Secretary is the competent authority to transfer the officer holding the posts in BS-20 other than those shown in the cadre schedule APUG and in this regard also the transfer order is to be issued by SGA&CD. He also referred to the Sindh Government Rules of Business, 1986 in which according to clause (xi) of Rule (2) 'Department' means administrative unit in the Secretariat responsible for the conduct of business in specified sphere. According to clause (xix) of Rule (2) "Secretariat" means the Departments referred to collectively. Under sub-rule (ii) of Rule 4, the Secretary shall be the official head of the Department and shall be responsible for its efficient administration and discipline and for the proper conduct of business assigned to the Department under Rule 3. In Rule 8 clause (i) it is clearly provided that the case enumerated in Schedule VI shall be submitted for approval of Chief Minister, while sub-clause (ii) of the same Rule the cases enumerated in Schedule VII shall be submitted for the information of the Chief Minister. Part IV of the Rules pertains to the functions of Ministers and Secretaries. Under Rule 21 in addition to the duties and functions assigned under any other provisions of these Rules, the Chief Secretary under Clause (b) shall also exercise on behalf of Chief Minister, powers of appointing authority except the power of appointment (other than additional or current charge) transfer, promotion, disciplinary action and matters mentioned at serial numbers 4,6,7 and 19 of Sixth



A handwritten signature in black ink, located at the bottom right corner of the page.

Schedule in respect of officers in B-19 and above. In clause (c) the Chief Secretary is also official head of the Secretariat and in clause (f) he has also powers to call for any case or information from any Department, attached Department, Regional Office, or any other office. It was averred that SRB is under the direct control of Government; therefore, the Acting Chairman had no authority to issue the repatriation order. In support of his contention he referred to **PLD 2013 S.C. 195 (Syed Mahmood Akhtar Naqvi v. Federation of Pakistan)**. **(Commonly known as Anita Turab case)** in which the honourable supreme court held that *“Tenure, appointment, promotion and posting/transfer are of utmost importance in the civil service. If these are made on merits in accordance with definite rules, instructions etc. the same will rightly be considered and treated as part of the terms and conditions of service of a civil servant. If, however, rules and instructions are deviated from and as a result merit is discouraged on account of favoritism, sifarish or considerations other than merit, it should be evident the civil service will not remain independent or efficient..... We are aware that matters relating to tenure etc. cannot be put in a strait-jacket and that there is to be an element of flexibility. A balance between the competing pulls of discretion and rule based decision making is a fine one where perception of fairness and even handed treatment is of utmost importance. It is for this reason that transparency in decisions relating to tenure etc. are required to be entrenched and cemented to assure the quality, effectiveness and morale of the civil servants. Since executive decisions generally are subject to judicial review, the assurance of transparency is itself likely to*



eliminate decision making based on considerations other than merit”.

5. The learned counsel for the respondent No.2 at the very outset argued that the petitioner is a civil servant; therefore, this petition is barred under Article 212 of the Constitution. He also referred to the indemnity clause provided under Section 13 of the Sindh Revenue Board Act, 2010 that no prosecution, suit or other legal proceeding shall lie against the Board, the Chairman, Members, officers and the other employees for anything done in good faith for carrying out the purposes of this Act. He further argued that the petition is hit by non-joinder of Federal Board of Revenue which is the parent department of the petitioner. The deputationist has no vested right to claim posting intact for ever but repatriation order could be passed at any stage without assigning any reason. The petitioner has concealed that she had filed a similar complaint to the Provincial Ombudsman Sindh and also filed an application to the Justice of Peace, South Karachi under Section 22-A Cr.P.C. for registration of FIR against the respondent No.2 on fallacious accusations. It was further contended that a range of disputed and complicated questions of facts have been raised which cannot be decided in a summary manner without recording the evidence.

6. It was further averred that vide Notification dated 22.7.2013 the Government of Sindh de-notified the SRB from the list of administrative departments and since then the SRB is under the administrative control of Chief Minister, Secretariat, which connotes that the Chief Secretary or the SGA&CD cannot issue any Notification

or cancel the Notification issued by SRB except on written instructions of the Chief Minister. On 22.9.2015 the SGA&CD, Government of Sindh moved a summary to the Chief Minister Sindh for declaration of SRB as an independent Department of the Government of Sindh but the Chief Minister has not approved the summary. The petitioner on 4.9.2015 during a meeting of the respondent No.2 showed her displeasure to stay in SRB due to salary difference between SRB and FBR and she made a request for her repatriation. The Deputy Commissioner prepared a note for respondent No.2 who approved the same and on 8.9.2015 Notification was issued accordingly. He also shown us the minutes of meeting of SRB dated 10.9.2015 circulated on 16.9.2015. The agenda item No.8 was related to the H.R. matters and clause (3) put in plain words that repatriation order was issued on petitioner's own verbal request on which Board took the decision that repatriation was not ultra vires and disciplinary action for misconduct to be taken against the employee. He further argued that though the repatriation order was issued on 8.9.2015 but post facto approval of the Board was also accorded to on 10.9.2015. The respondent No.2 was competent to issue the repatriation order which was also ratified by the Board on 10.9.2015. In order to stumble upon the line of argument that the respondent No.2 is not competent to hold the charge of Acting Chairman, the learned counsel argued that vide Notification dated 5.3.2013, the respondent No.2 was posted as Member in SRB, however on 23.4.2013 the respondent No.2 was given the additional charge of Acting Chairman and till regular appointment, but this additional charge was further extended under the instructions of Chief Minister and in



compliance thereof, the Chief Secretary Sindh issued Notification dated 27.2.2015 for extension of the term of the respondent No.2 as an Acting Chairman, SRB till regular appointment of a Chairman. He further argued that on repatriation, no fundamental right of the petitioner has been violated or infringed and the petitioner may be repatriated to her parent department at any time without assigning any reason. In support of his contention he relied upon the following case law:-

(1) 2014 P L C (C.S.) 1077 (S.Masood Abbas Rizvi v. Federation of Pakistan through Secretary Establishment and others). Section. 10. Posting on deputation. Deputationist repatriated to his parent department without assigning of any reasons. Deputationist could be ordered to be repatriated to the parent department at any time without assigning any reason. Parent department of deputationist was not obliged in law, to assign any reasons for his repatriation.


(2) 2010 SCMR 378 (Dr. Shafi-ur-Rehman Afridi v. C.D.A., Islamabad through Chairman and others). Article 199. Constitutional petition. Civil servant has no vested right to complete deputation period and matter relating to terms and conditions of service. Constitutional jurisdiction as conferred upon High Court under Article 199 of the Constitution cannot be invoked. Deputationist cannot be treated as 'aggrieved person' provided he was placed in the same grade and status in borrowing cadre which he was enjoying before his status of deputationist. Such civil servant has no vested right to remain on a post as deputationist forever or for a stipulated period as mentioned in Notification and can be repatriated at any time.

(3) SBLR 2010 Sindh 1433 (Lal Khan v. Employee old Age Benefit Institution & others). Constitution of Islamic Republic of Pakistan, 1973. Deputationists have no vested right to remain on their respective posts forever or for a stipulated period and they could be repatriated back to their parent department at any time. A civil servant has no vested right to complete the deputation and that the matter relates to the terms and conditions of service, therefore, the constitutional jurisdiction of High Court under Article 199 could not be invoked.

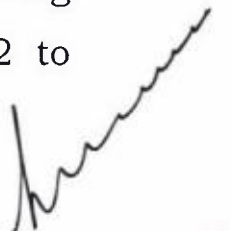
7. The learned AAG argued that on deputation of petitioner's services she was posted at SRB, however, her services were repatriated but the Notification issued for her repatriation was cancelled/withdrawn. Instead of complying with the Notification the SRB challenged the withdrawal of the repatriation order internally without any justification, however, the SRB was intimated to implement and adhere to the order passed by the competent authority. He further argued that respondent No.2 was appointed as Member SRB on contract basis for two years. Subsequently, he was allowed to hold additional charge as Chairman SRB vide Notification dated 23.4.2013 till appointment of regular Chairman. Vide Notification dated 27.2.2015 he was again allowed to continue as Acting Chairman. A selection committee for appointment of Chairman, SRB has been reconstituted vide Notification dated 19.8.2015 in which the Chief Secretary Sindh is the Chairman with four other Members. The Secretary of the committee has been advised to process appointment of Chairman, SRB on regular basis through a competitive process.

8. All the learned counsel agreed that this matter may be heard and decided at Katcha Peshi stage and they have extensively argued the case.

9. Heard the arguments. It is an admitted fact that vide Notification dated 5.8.2015, Revenue Division, Government of Pakistan transferred the services of the petitioner and placed her at the disposal of Government of Sindh for further posting in SRB, Karachi on deputation basis. Consequent upon the said Notification, the SGA&CD, Government of Sindh through Chief



Secretary issued a Notification on 17.8.2015 in which while giving reference of Notification dated 5.8.2015 the services of the petitioner (officer of Inland Revenue Service) on her promotion in BS-20 placed at the disposal of SRB on deputation basis for a period of two years. On 17.8.2015 the Section Officer, SGA&CD, Government of Sindh further issued a Notification by means of which Chairman SRB was requested to float a summary to the Chief Minister Sindh for approval with regard to the posting of the petitioner as Member, SRB. However, vide Notification dated 8.9.2015, the Chairman, SRB issued a Notification for repatriation of petitioner working as Commissioner-I, SRB allegedly on her own request to report her parent department i.e. Federal Board of Revenue with immediate effect and she was also relieved from her duties in SRB. It is a matter of record that the petitioner lodged her protest against her repatriation not only to the Acting Chairman, SRB but also to the Chief Secretary, Sindh. On 15.9.2015 the Chief Secretary, Government of Sindh cancelled/withdrawn the repatriation order of the petitioner and on the same date the Section Officer, SAD&CD, Government of Sindh intimated the Acting Chairman, SRB that the repatriation order has been withdrawn/cancelled and also requested him to furnish the comments. The purpose of highlighting the events in the chronological order is to reduce the bone of contention between the parties. It is an admitted fact that despite withdrawal of the repatriation Notification by Chief Secretary, the Acting Chairman of the SRB is not accepting the withdrawal of the Notification and for that reason the petitioner is not being allowed to join her place of posting in SRB. Nothing was placed on the record by the respondent No. 2 to



substantiate that the petitioner herself made any request in writing for her repatriation but a plea was taken that she requested orally for her repatriation which she has vigorously repudiated and rebuffed. Learned counsel for the petitioner argued that Acting Chairman, SRB had no prerogative and dominion to repatriate the petitioner while counsel for the respondent No.2 argued that the Chief Secretary had no powers to issue Notification for recalling or cancelling the repatriation as vide Notification dated 22.7.2013, Government of Sindh had de-notified the SRB from the list of administrative departments and since then the SRB is under Administrative Control of Chief Minister Sindh, therefore, the Chief Secretary or the SGA&CD cannot issue any Notification for recalling the repatriation order.

10. The learned counsel for the respondent No.2 also took the plea that the petitioner is a civil servant, therefore, this petition is barred under Article 212 of the Constitution and the proper remedy is to invoke the jurisdiction of Federal Service Tribunal. In order to concentrate on the question of maintainability first, we ought to have a momentary look to the definition of Civil Servant provided under the Civil Servants Act, 1973 and Sindh Civil Servants Act, 1973. In the definition of Civil Servants Act, 1973, a person who is on deputation to the Federation from any Province or other authority is excluded from the definition of civil servant, while in the Sindh Civil Servants Act, 1973 also a person who is on deputation to the Province from the Federation or any other province or authority is excluded from the definition of civil servant. It is an admitted fact that at present the petitioner's services is placed at the disposal



of Sindh Government on deputation basis, therefore, the objection raised by the learned counsel for the respondent No.2 is unjustified even otherwise, the petitioner has not knocked the doors of this court for claiming any benefit arising out of the terms and conditions of her service, but the grievance of the petitioner is that despite withdrawing or cancelling the repatriation order by the Chief Secretary, the Acting Chairman SRB is not showing any respect or reverence and consciously depriving the petitioner from her lawful right of continuing office in which she has been posted by the Government of Sindh on deputation for a period of two years.

11. Under the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 it is clearly provided in the Table at Sr.No.1 (a) attached to the Rules that the competent authority is Chief Minister through Services and General Administration Department for the officers of Federal Government working under the Provincial Government and order of transfer is to be issued by Services and General Administration Department, while at Sr.No.12 in the same Table the Chief Secretary is the competent authority to make transfer of the officers holding posts in Basic Scale 20 other than those shown in the cadre schedule of APUG and the transfer order is also to be issued by Services and General Administration Department. If we look into Sindh Government Rules of Business 1986 in juxtaposition, the Chief Secretary under Rule 21, in addition to the duties and functions exercises the powers of appointing authority on behalf of Chief Minister (other than additional or current charge) including the powers of transfer, promotion, disciplinary



action and he shall be the official head of the Secretariat. Vide Notification dated 14.4.2014 issued by the Chief Secretary, Government of Sindh in pursuance of Article 139 of the Constitution of Islamic Republic of Pakistan, 1973, the Government of Sindh was pleased to make amendment in the Sindh Government Rules of Business, 1986. By virtue of this amendment in the Schedule II, under the heading "Chief Minister's Secretariat" new entry was added as under:-

"9. Sindh Revenue Board through the Chief Secretary, Sindh."

12. On 22.9.2015, a summary was moved to the Chief Minister Sindh by the SGA&CD (Regulation Wing), in which the department Notification dated 14.4.2014 was also referred to show the existing entry in the schedule II of the Sindh Government Rules of Business, 1986, however, in paragraph (3) it was alluded to that currently the status of SRB is neither of an administrative department nor of an attached department, thus in order to refer to its matters to different stake holders SRB has to route through Chief Secretary. It was further suggested in the summary that in the interest of official business it is expedient that SRB may be declared as an administrative department of the Government of Sindh through amendment needs to be carried out in the Schedule-I of the Sindh Government Rules of Business, 1986. Earlier also the respondent No.2, on 22.7.2013 forwarded a summary to the Chief Minister Sindh for de-Notification of the status of administrative department of SRB. The paragraph (4) of the summary reads as under :-

"04. Being a Board as well as an Administrative Department, SRB has to follow the Rules of Business of

Sindh Government as well as the provisions of the SRB Act. For this reason, SRB is facing problems in regularizing its employees although the Committee, appointed by the Government for regularization of SRB employees, has already submitted its recommendations. In order to remain as Administrative Authority within the mandate of in SRB Act, 2010, it is requested that Hon'ble Chief Minister may be pleased to approve de-notification of the status of 'Administrative Department' in respect of Sindh Revenue Board and declared the "Board" under the SRB Act, 2010. For disposal of its business requiring the approval of the Government, the Board shall continue to report directly to the Chief Minister, Sindh.

Sd/-
(TASHFEEN K. NIAZ)
Chairman, SRB"

The above summary culminated with the following note of the Secretary (I&C)

**"SUBJECT: DE-NOTIFICATION OF THE STATUS OF
"ADMINISTRATIVE DEPARTMENT"**

6. In this connection it is informed that as per amendment carried out in the Sindh Government Rules of Business, 1986, vide this Department's Notification dated 22-07-2013 (Annexure-"A"), Sindh Revenue Board is no longer an Administrative Department, but will be working under the Administrative control of the Chief Minister's Secretariat through the office of the Chief Secretary, Sindh.

Sd/- dt.5.8.2013
(DR.RIAZ AHMED MEMON)
SECRETARY (I&C)"

13. The aforementioned sequential unambiguously postulates that Sindh Revenue Board is under the administrative control of Chief Minister's Secretariat through the office of Chief Secretary Sindh and against the order issued by the Chief Secretary for withdrawing and or cancelling the repatriation order, the respondent No.2 has no power or authority to do battle with or raise any objection or demur. Quite the opposite, the Acting

Chairman SRB is himself possessing and relishing acting charge of Chairman SRB all the way through the Notifications issued by the Chief Secretary, Government of Sindh. It is also clear from the Notification dated 27.1.2016 that the Government of Sindh has reconstituted a Committee/Commission for the appointment of Chairman SRB, which is comprising one Chairman and five members and the Chief Secretary is the Chairman of that Committee/Commission. Much emphasis were made to accentuate that in Section 4 of the Sindh Revenue Board Act, 2010 innumerable powers are vested in the Board including to engage serving government servants, prepare job description of any post and create posts as may be described by Rules, therefore, after issuing the repatriation order of the petitioner on 8.9.2015, post facto approval was obtained from the Sindh Revenue Board in its meeting held on 10.9.2015. What we have deciphered from the minutes of meeting that Agenda No.8 be indicative of HR matters. At Sr.No.3, the case of petitioner was deliberated with the similar assertion that the repatriation order was issued on petitioner's own verbal request but subsequently on 9.9.2015 she denied to have made any request. The Board took the following decision:-

“3. Based on the Chairman's comment decided that the repatriation order made by SRB was not ultra vires and disciplinary action for misconduct be taken against the employee.”

14. The manner in which the repatriation order was passed by Acting Chairman without any lawful authority and tried to find out the sustenance and ratification of Board shows some acrimony and animosity. A post facto



approval of the Board cannot validate or indorse the repatriation order issued by the acting chairman without any lawful authority. In our view, the Board had otherwise no role to play to engross an unlawful action taken and then placed before them for approval. The post facto approval of the Board has no significance nor does it attach any sanctity to an order passed by Acting Chairman in excess of his powers and authority.

15. There is no cavil to the proposition of law expounded in the dictum laid down by the superior courts that no vested right can be claimed by the deputationist forever or for stipulated period and the deputationist can be repatriated to the parent department at any time without assigning any reason but in the case in hand, the matter is somewhat distinctive. Here the petitioner was sent on deputation by her parent department FBR and her services were placed at the disposal of Sindh Government to take on her services in Sindh Revenue Board. Neither the parent department asked Sindh Government to relieve the petitioner nor did the Sindh Government which borrowed petitioner's services pass any order for repatriation. On the contrary rather to be more precise, the respondent No.2 has set forth a plea that the petitioner was repatriated on her own request. If the outlook of the respondent No.2 is accepted that the Chief Secretary could not pass any order for withdrawing the repatriation and it was under the province of the Chief Minister Sindh then at one fell swoop, the respondent No.2 had also no powers to pass any order for repatriation and proper course was to refer to the matter to the Chief Minister for appropriate order. Quite the reverse, we have no disinclination in our assessment to



hold that that SRB is under the administrative control of Chief Minister's Secretariat through the office of the Chief Secretary Sindh, therefore, the Chief Secretary was competent to recall the repatriation order of the petitioner. The matter of repatriation is between the FBR and Sindh Government in which Acting Chairman cannot intervene. It cannot be assumed that the Chief Secretary, Sindh without the approval of the competent authority withdrawn the Notification on his own aspiration and desire. Had it been a case of issuing Notification without approval, the Chief Minister Sindh could have taken the action for undoing this and restored the repatriation order passed by the Chairman SRB but neither any such plea was taken by the respondent No.2 nor anything placed on record to show any displeasure of the Chief Minister against the action of Chief Secretary if taken without his consent or concurrence. The learned counsel for the respondent No.2 argued that the petitioner also forwarded a complaint to Provincial Ombudsman and he referred to the reply given by SRB to the Ombudsman in which not only they have given the reference of this pending petition in this court but also made a request not to proceed further in view of Sub-section (2) of Section 9 of the Establishment of the Office of Ombudsman for the Province of Sindh Act 1991 in which it is provided that the Ombudsman shall not accept for investigation any complaint by or on behalf of a public servant or functionary concerning any matter relating to the Agency in which he is, or has been working in respect of any personal grievance to his service therein. In our view filing this petition is an appropriate remedy rather than complaint to Ombudsman and SRB has rightly replied to Ombudsman and perhaps no action was taken



on the petitioner's complaint otherwise the parties must have informed this court the outcome of the said complaint. The learned counsel for the respondent No.2 also argued that the petitioner filed an application under Section 22-A Cr.P.C before the justice of peace for registration of F.I.R. against some officials of SRB including the respondent No.2. The justice of peace allowed the Cr.Misc.Application No.1568/2015 and issued direction for registration of F.I.R. but order has been suspended by this court in C.P.No.D-7289/2015. The pendency of the separate petition filed by Respondent No.2 to challenge the order of justice of peace may be proceeded on its own merits and we do not want to make any comment on the sub judice matter. The learned counsel for the respondent No.2 also quoted an example that in past also the petitioner was repatriated on her own request to parent department for the purpose of actualization of her promotion. The earlier repatriation order if any is not an area under discussion which is otherwise a matter of past and closed transaction and cannot help out the respondent No.2.

16. The learned counsel for the respondent No.2 also filed a statement on 16.3.2016 through Court Associate and attached a copy of Notification dated 23.2.2016 to show that the Chief Secretary, Government of Sindh has allowed the petitioner to draw five months' salary as OSD BS-20. This Notification has neither any relevancy nor nexus with the present case of the petitioner in which she wants to continue her office but despite withdrawing her repatriation order she has not been allowed to join and due to tenacious and obstinate attitude of SRB, she was without posting and salary for last many months. In

view of the fact that petitioner's services have been placed at the disposal of the Government of Sindh therefore, it is their responsibility to make necessary provision for her salary till such time her services are remained intact at the disposal of Government of Sindh under deputation.

17. Though we are conscious and mindful that the acting charge of Chairman SRB is not the subject matter but the superior courts time and again deprecated and discouraged unlimited and indefinite period of acting and or additional charge which is indeed meant as stopgap arrangement till such time regular induction is made therefore we look forward that Government of Sindh shall make fast-moving endeavor for regular appointment of Chairman Sindh Revenue Board through competitive process.

18. By means of above discussion, this petition is admitted to regular hearing and disposed of along with injunction application in the following terms:-

(a) The Notification issued by Acting Chairman, Sindh Revenue Board on 8.9.2015 for repatriation of the petitioner to her parent department was without any lawful authority which has been rightly cancelled by the Chief Secretary Sindh vide Notification dated 15.9.2015.

(b) As a consequence thereof, the respondent No.2 is directed to allow the petitioner to resume her duty in Sindh Revenue Board immediately.

Karachi:
Dated.1.4.2016

Official Signature
Judge

Judge

Approved by Us.
1/4/2016

A.H.
1/4/16.