

Representation to be decided before
moving a C.P.

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CERTIFICATE OF THE HIGH COURT OF SINDH, KARACHI

CP No. D 3819 of 2024

Mr. Bashir Ahmed Lashari

Vs

Chief Secretary Govt of Sindh & others

HIGH COURT OF SINDH

Composition of Bench. D.B.

Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul-Karim Memon

Dates of hearing: 11th December 2024

Decided on: 11th December 2024

(a) Judgment approved for Reporting

Yes



CERTIFICATE.

Certified that the judgment */Order is based upon or enunciates a principle of law
*/decides a question of law which is of first impression/distinguishes/. Over-rules/
reverses/explains a previous decision.

* Strike out whichever is not applicable.

NOTE: - (i) This slip is only to be used when some action is to be taken.

(ii) If the slip is used, the Reader must attach it to the top of the first
page of the judgment.

(iii) Reader must ask the Judge writing the Judgment whether the
Judgment is approved for reporting.

(iv) Those directions which are not to be used should be deleted.

IN THE HIGH COURT OF SINDH AT KARACHI**C.P - D No. 3819 of 2024**Presented on 08/08/2024
Additional Registrar (Writ)

Bashir Ahmed Lashari S/O Ali Bux Lashari,
Muslim, Adult, posted as Trained P.S.T (BPS-7)
At GBPOS Mazari Khan Lashari, Taluka Thull,
District Jacobabad..... PETITIONER

VERSUS

1. Chief Secretary,
Government of Sindh,
New Sindh Secretariat Karachi.
2. Secretary Schools Education,
Education and Literacy Department
Government of Sindh,
New Sindh Secretariat,
Karachi.
3. The Accountant General Sindh,
Having Office near NIPA
Chowrangi, Karachi
4. Section Officer (G-II) Karachi,
Government of Sindh, RESPONDENT

CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN
(1973)

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No.D-3819 of 2024

Date	Order with signature(s) of Judge(s)
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For orders as to the maintainability of the petition.

11.12.2024.

Mr. Ali Safdar Deepar, AAG.

Muhammad Karim Khan Agha, J. None present for the petitioner without intimation. On the last date of hearing learned counsel for the petitioner was put on notice to satisfy this Court about the maintainability of the instant petition.

We have reviewed the petition in particular paragraph-12 wherein it is clearly mentioned that the petitioner has submitted his representation before the Respondent No.1 (Chief Secretary, Government of Sindh) and Respondent No.2 (Secretary Schools Education, Government of Sindh) which are waiting adjudication. This indicates that this matter falls within the purview of Sindh Service Tribunal Act, 1973 and barred by Article 212 of the Constitution. In this respect reliance is placed on the case of **Dr. Sayyid A. S. Pirzada v. The Chief Secretary, Service & Administration Department** (2023 SCMR 1087) which held in its para-7 as under:-

"We, therefore, hold that once the appeal, application of review or representation, as the case may be, of a civil servant is not decided by the department authority within a period of 90 days and he has elected to approach the Tribunal through preferring an appeal after lapse of that period, then his appeal has to be decided on merits and the Tribunal cannot dispose of that appeal by issuing direction to the departmental authority to decide the appeal, application for review or representation of the appellant, because the said remedy already stands exhausted by virtue of the lapse of time."

It is also appears that this petition suffers from laches as the petitioner's cause of action arose in 2016 but he did not file his

petition for redressal of his grievance, which he appears to have slept over for 08 years as such this petition also hit by doctrine of laches.

Accordingly this petition is dismissed being not maintainable and for non-prosecution as well as on merits.