

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-7723 of 2015

(*Firdous Neelofar Ghallo v. The Incharge / Governor & Others*)

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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Before:

Mr. Justice Muhammad Faisal Kamal Alam
Justice Ms. Sana Akram Minhas

1. For Hearing of CMA No. 10 / 2017 (App. under O 39 r. 1 & 2 CPC)
2. For Hearing of Main Case

Mr. Faizan Hussain Memon, Advocate for Petitioner
Barrister Unaib Kamal, for University of Sindh (Respondents No.2 & 3)
Ms. Saima Imdad Mangi & Mr. Imran Ahmed Khan Abro, AAG, Sindh

Date of Hearing: 13-8-2025

Date of Decision: 24-9-2025

ORDER

1. **Sana Akram Minhas J:** The Petitioner, who retired on 8.4.2012 as an Associate Professor (BPS-20) from the Area Study Centre, Far East and South East Asia, University of Sindh, Jamshoro ("**ASC**"), has instituted this present Petition on 10.12.2015, wherein she has, inter alia, sought her upgradation on hardship basis along with consequential back benefits.
2. Learned Counsel for the Petitioner has argued that the Respondents' failure to forward the Petitioner's case for upgradation, despite fulfilling the Chancellor's (viz. Governor of Sindh) policy guidelines contained in the Governor's Secretariat letter dated 19.7.2010, as recommended by the Anomaly Committee (constituted by the Syndicate, University of Sindh, Jamshoro) in its meeting held on 3.4.2012, and the subsequent approvals by the Syndicate in its 182nd meeting held on 18.7.2012 and by the Board of Governors, ASC in its 27th meeting held on 22.7.2013, is arbitrary, illegal, and unconstitutional. He elaborated that initially, the ASC was established under the *Area Study Centres Act, 1975* ("**Act 1975**"), a federal statute. However, pursuant to the *Centres Laws (Amendment) Ordinance, 2002*, and subsequent notifications, particularly those dated 21.11.2002, 19.3.2003 and 5.4.2011, issued in consequence of the 18th Amendment to the *Constitution of Pakistan, 1973*, the ASC was completely handed over to the University of

Sindh, Jamshoro. Counsel pointed out that clause 7 of the Notification dated 19.3.2003 specifically provided that the employees of each Centre would be governed by the terms and conditions of the respective University, with the special stipulation that the final Competent Authority in such matters would be the concerned Board of Governors – which Notification has been given effect to by a Division Bench of this Court in its Order dated 25.10.2007 issued in CP No.D-320/2006 (*Hidayat Ali v. Federation of Pakistan & Others*).

3. On the other hand, learned Counsel for the University of Sindh, Jamshoro (Respondents No.2 & 3) contended that the Petition was barred by laches, as it had been instituted on 10.12.2015 i.e. three years and eight months (3 years and 8 months) much after the Petitioner's retirement on 8.4.2012. It was further argued that in its 29th meeting held on 13.4.2015, the Board of Governors of the ASC rejected the hardship cases of three retired faculty members, including the Petitioner, on the ground that they had already retired from service and there was no past precedent of considering requests for upgradation post-retirement. Counsel maintained that the ASC functions under the Act 1975, that the employees of ASC and the University of Sindh are distinct, and that under the said Act all decisions of the ASC rest with its Board of Governors and are final. It was lastly asserted that the Petitioner was not subjected to any discrimination, as no ASC employee has ever been granted upgradation on hardship basis, particularly after retirement.
4. We have heard the respective Counsel for the parties and considered the record.
5. It is pertinent to note that the upgradation cases of three retired faculty members, including that of the Petitioner, was rejected by the Respondent No.3 on 13.4.2015 several months prior to the institution of this Petition on 10.12.2015 (copy of the Minutes of the 29th meeting of the Board of Governors of the ASC held on 13.4.2015 has been annexed by the Respondents No.2 & 3 with their joint Para-wise Comments filed in November 2021). Despite this, and very significantly, the Petitioner has not challenged the said decision or even addressed it in the present proceedings. Rather, the Petitioner has failed to disclose this material fact to the Court, which amounts to a suppression of a crucial aspect of the matter and undermines the bona fides of the Petition.
6. While it has not been argued by the Petitioner's Counsel that the Petitioner was unaware of the decision of 13.4.2015 or that it had not been communicated to her, even if such an assumption were made, the fact remains that upon the filing of the Para-wise Comments in November 2021,

when the decision undeniably came to her knowledge, the Petitioner still made no effort to amend the Petition to assail it. This omission and conduct on the part of the Petitioner signify that she acquiesced in the decision. As a result, the Petition suffers from serious infirmities and no occasion for interference is made out.

7. The record further displays that after her retirement, the Petitioner has been drawing her pension from the ASC since 9.4.2012 to date – a fact affirmed by the letter/certificate dated 7.5.2025 issued by the Director, ASC, and not denied by the Petitioner's Counsel.
8. Consequently, no case warranting the exercise of writ jurisdiction under Article 199 of the *Constitution of Pakistan, 1973* has been made out, and the Petition stands dismissed, along with pending application(s).

JUDGE

JUDGE