

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-822 of 2022

Order with signature of Judge(s)

Fresh Case

1. For order on Misc. No.3747/2022
2. for order on office objection no.04
3. For order on Misc. No. 3748/2022
4. For order on Misc. No. 3749/2022
5. For hearing of main case.

11.02.2022

Dr. Jaffar Raza, advocate for the petitioner.

1. Urgency granted.
2. Deferred for the time being.
3. Exemption application is granted subject to all just exceptions.
- 4-5. Petitioner is a civil servant, has called in question the vires of the notification dated 03.12.2021, whereby his services have been placed at the disposal of the Government of Balochistan in terms of Rotation Policy, 2020. It is inter alia contended on behalf of the petitioner that the decision of Secretary Establishment Division is in direct conflict with the rule 14 of Civil Service of Pakistan (Composition and Cadre) Rules, 1954 (Rules-1954) on the premise that respondent-Government of Sindh is at loggerheads with the Federal Government and the petitioner is the victim of two Governments; that the petitioner has neither been relieved from the present posting by the Sindh Government nor he has been allowed to join the Federal Government, being the officer of Pakistan Administrative Service. Per learned counsel, the petitioner's promotion is at stake in terms of paragraph 4 of the impugned notification dated 03.12.2021, if he is not allowed to join the Government of Balochistan within time, he will be taken into the task by both the Governments under the disciplinary proceedings, which is harmful to the career of the petitioner. Be that as it may, we are only concerned to the question whether the service of the petitioner is liable to be placed at the disposal of the Government of Balochistan in terms of para 13 of the Rotation Policy, 2020 AND whether the Rotation Policy 2020 is in direct conflict with the Rule 14 of Rules, 1954. Let notice be issued to the respondents as well as to DAG and AAG for 22.02.2022 with directions to file comments on or before the next date of hearing. In the meanwhile, parties to maintain the status quo. Learned counsel for the parties are directed to assist this Court on the subject issue.

JUDGE

JUDGE

Nadir*