

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C.P. No.D-19 of 2018

Date	Order with signature of Judge
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Hearing of case:

1. For orders on M.A. No.12982/2018 (U/A)
2. For orders on M.A. No.8834/2018 (Contempt)
3. For hearing of main case.  
(Intimation issued for 20.09.2018)

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18.04.2018

Petitioner, Naseem Ahmed, present in person.  
Mr. Sheharyar Mehar, AAG Sindh for the respondent No.(i).  
Mrs. Azra Moqueem, Advocate for the respondents No.(ii) & (iii).

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1. Urgency granted.
2. Petitioner does not press this contempt application, which is dismissed as not pressed.
3. The instant petition has been filed by the petitioner on the ground to allow issuing of his posting order in Zone C, Engineering Department, and the name of Rehan Arif may be withdrawn from Zone C, who has already been working as Chief Engineer UC Programme 324 Union Council and Building Zone & Design Zone. Subject to the maintainability of the instant petition, pre-admission notices were issued to the respondents, in response whereof Mrs. Azra Moqueem Advocate has appeared on behalf of the respondents No.(ii) & (iii).

It is the contention of the petitioner that since Mr. Rehan Arif has illegally been holding the post, hence the same is causing serious prejudice to him.

At the very outset, the petitioner was asked that whether he has arrayed the said Rehan Arif as a respondent in the instant matter, to which he replied that he has filed an amended title in this regard. He again was asked that whether he has filed the amended title by seeking permission from the Court or on his own, to which he replied that he has done so on his own without seeking permission from the Court. On the very face of it, the petition is not maintainable since if this is a quo warranto petition against

one Rehan Arif, in our view, the petitioner should have made him a party in the instant matter if the petitioner wants any order from this Court. However, it is an admitted position that when the petition was filed, Rehan Arif was not arrayed as one of the respondent whose holding the post has been challenged in the instant petition and thereafter the petitioner, without seeking permission from this Court, has filed the amended title by arraying him as respondent No.4.

Mrs. Azra Moqem Advocate appearing for the respondent No.(ii) & (iii) and Mr. Sheharyar Mehar, AAG appearing for the respondent No.(i) have stated that on the very fact of it this petition is not maintainable and is liable to be dismissed, since the legal requirements, as necessary for seeking the directions as prayed in the instant petition, have not been fulfilled and thus this petition is liable to be dismissed in limine.

We have heard the petitioner as well as the counsel for the respondents and tend to agree with the submissions made by the counsel for the respondents. In the instant petition, the petitioner has assailed the holding of some post by one Rehan Arif without arraying him as respondent, hence, how could any action be taken against a person when he is not a party to the instant petition. Moreover the petitioner without seeking permission from the Court by filing an application under Order I Rule 10 CPC on his own has filed the amended title, which he could not do until and unless such permission is taken in this regard from the Court. Thus this petition in the present form is not maintainable and is, accordingly, dismissed.

JUDGE

JUDGE