

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Irfan Saadat Khan, J.

Agha Faisal, J.

CP D 5006 of 2019 : Mehwal Khan Almani & Another
vs. Province of Sindh & Others

For the Petitioners : Barrister Zamir Hussain Ghumro,
Advocate
Barrister Faizan Hussain Memon,
Advocate

For the Respondents : Mr. Ali Safdar Depar,
Assistant Advocate General Sindh
Mr. Abdul Rafique,
S.O. Irrigation Department.

Date of hearing : 11.11.2021

Date of order : 11.11.2021

JUDGMENT

Irfan Saadat Khan, J.: The instant petition has been filed on the ground that the petitioner demands the up-gradation of post of Senior Chief Draftsman from BPS-18 to PBS-19.

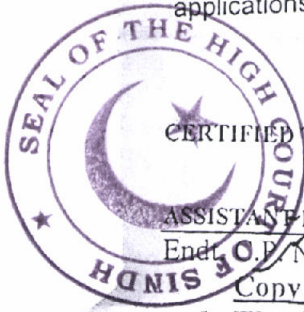
2. Briefly stated the facts of the case are that vide notification dated 03.02.2016, the service structure of technical drafting staff in the Irrigation Department was restructured. Thereafter several posts in the said department were upgraded and the Chief Draftsman who originally was in BPS-17, was upgraded to BPS-18. Learned counsel appearing for the petitioner states that when Chief Draftsman have been upgraded from BPS-17 to BPS-18, the post of Senior Chief Draftsman, which was in BPS-18, as a corollary should also have been up-graded to BPS-19. Comments were called from the respondents, which were duly filed.



3. Mr. Zamil Hussain Ghumro, learned counsel for the petitioner and Mr. Ali Safdar Depar, learned Assistant Advocate General Sindh have been heard at length and the record has been perused.

4. In our view, there seems to be some anomaly in the instant matter, as when the post of Chief Draftsman has been up-graded from BPS-17 to BPS-18, the post of Senior Chief Draftsman, which was BPS-18, should also have been up-graded or some arrangement with regard to that post should also have been made by the concerned Secretary, as the anomaly at present being that both the posts of Chief Draftsman and Senior Chief Draftsman are in BPS-18, which infers that in fact that there is no difference in the post of the Chief Draftsman and the Senior Chief Draftsman, which could not be and should not be the position. Hence, in order to resolve this anomaly we, with the consent of parties present before us, refer this matter to the Secretary Irrigation Department and the Chief Secretary Sindh, to resolve the matter in accordance with law. Let a legal opinion in the matter be obtained from the Law Department as well as from the Advocate General Sindh and written synopsis from the learned counsel representing the petitioners, before reaching to any conclusion in this regard. The said exercise preferably should be conducted within a period of two months from the date of receipt of this order.

With these observations the instant petition, alongwith listed applications, stands disposed of.



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ASSISTANT REGISTRAR (WRIT)

Encl. P. No. D- 5006 of 2019

Karachi dated: 12-11-2021

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- 1- The Chief Secretary Govt. of Sindh, Karachi.
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