

# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**CP No. D- 1473 of 2020**

[ Javed versus Province of Sindh & Others]

**BEFORE:**

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Petitioner: Through Ms. Hasina Kanwal Leghari, Advocate

Mr. Rafiq Ahmed Dahri, Assistant: A.G., along with  
Maliha Soomro, Assistant Director Legal for RD.  
Colleges & Prof. Asher-uz-Zaman Khan for Principal  
Government Sarwari Islamic Degree College, Hala New.

Date of hearing:  
& Decision: 18.11.2024

## **ORDER**

**ADNAN-UL-KARIM MEMON, J -** The Petitioner seeks a declaration that the respondents' failure to reinstate him is illegal, unconstitutional and in violation of this Court's earlier orders and requests his immediate reinstatement with full back benefits.

2. The Petitioner was appointed as a Lab Attendant (BPS-2) at Government Sarwari Islamia Boys College Hala, on 26.12.2007 during caretaker government. After the general elections, new government terminated employees appointed by the caretaker setup, including the Petitioner. His colleagues challenged their termination in CP No. D-565/2008 and CP No. D-322/2010 and were reinstated pursuant to court orders, but the Petitioner was not reinstated. His own Constitutional Petition was dismissed on technical grounds and a subsequent appeal before the Service Tribunal (2015) was dismissed being time-barred. His appeal was also dismissed for non-prosecution. Despite repeatedly approaching the authorities, he has not been reinstated.

3. Learned counsel argues that the Petitioner was lawfully appointed; that his colleagues have already been reinstated and that denying him the same treatment is discriminatory and unconstitutional. She therefore prays for allowing the Petition.

4. Learned AAG opposed the petition without filing the comments.

5. We have heard learned counsel for the Petitioner as well as learned A.A.G and have examined the material available on record. It is not disputed that several similarly placed employees, appointed during the same period and subsequently terminated under identical circumstances were reinstated pursuant to the orders passed by this Court in connected petitions. The Petitioner who stand on the same footing has been denied similar treatment, which on the face of it amounts to discrimination and unequal application of the law. Although the Petitioner's earlier proceedings were dismissed on technical grounds, such dismissal does not, in our view, preclude the competent authority from reconsidering his case in the interest of fairness, consistency and adherence to this Court's earlier directions.

6. In view of the foregoing and without dilating further upon the merits of past litigation, this Petition is disposed of with direction to the competent authority/ respondents to reconsider the case of the Petitioner afresh in the light of the judgments and orders previously passed by this Court in the cases of his colleagues, and to determine whether he is entitled to the same treatment. A speaking order shall be passed within six (06) weeks from the date of receipt of this order.

7. The Petition stands disposed of in the above terms. No order as to costs.

JUDGE

JUDGE