

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.D-6313 of 2014

Date

Order with signature of Judge

Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Adnan-ul-Karim Memon.

Sohail Akhtar Alvi & others Petitioners

V E R S U S

Province of Sindh & others Respondents

Date of hearing 14.12.2016

Syed Shoa-un-Nabi, advocate for the petitioners.

Mr. Muhammad Shahzad Qureshi, advocate for the S.B.C.A.

Mr. Abdul Jalil Zubedi, A.A.G.

S.M. Ahmed Abbasi, Deputy Director (Personal), S.B.C.A.

Muhammad Ali Mazhar, J: The grievance of the petitioners is that they are serving as Assistant Research Officers/Assistant Directors in B.S-17 for the last 24 years without any promotion or upgradation. Some similar placed officers who were performing duties with similar length of service were upgraded in B.S-18 for the reasons that they had no channel of their promotion or progression. It is further stated that 44 Executive Engineers who had also no channel of promotion, the C.D.G.K. created 52 posts of B.S-18 and promoted them in the year 2008 as Executive Engineers in B.S-18.

2. Learned counsel for the petitioners argued that the case of the petitioners is at par and since they have also no channel of promotion, therefore, they have approached for upgradation from B.S-17 to B.S-18. Learned counsel pointed out a note sheet dated 01.10.2012 which is available at page 29 to show that the case of 22 persons including petitioners along with

their personal files, service books and Annual Confidential Reports for the last 5 years with prescribed proforma report for upgradation were submitted to Senior Director, Master Plan Department, (KDA Wing) for his perusal and onward transmission to the Promotion Committee for promotion from B.S-17 to B.S-18 as personal grade. Learned counsel argued that despite these recommendations and sending the relevant record, no action has been taken so far and since 2012, the petitioners are desperately pursuing their upgradation but despite performing a long length of 24 years service, they could not achieve any benefit in the form of promotion or upgradation.

3. Though nobody is present for the K.M.C but their Senior Director, H.R (Management), K.M.C has filed counter affidavit in which the tenure of the petitioners' services has not been denied. It is further stated that on the recommendation of Senior Director, K.M.C being the dead cadre post, the petitioners were awarded B.S-18 as personal grade with the approval of competent authority i.e. Administrator, K.M.C and vide Council Resolution No.332 dated 04.02.2008 and with the approval of the then City Nazim, they were promoted in B.S-18 vide order dated 31.05.2008.

4. The Respondent No.2 & 4 have also filed their counter affidavit in which, basically, they have taken a plea that according to the report, the Human Resource Management, K.M.C has awarded personal grade in B.S-18. However, Respondent No.2 has not allowed any such upgradation. It is further stated that earlier matter was being dealt with by H.R.M, CDGK, therefore, case was referred to them for consideration. The Additional Director, Local Fund Audit returned back the case with the remarks that availability of post and seniority cum fitness are pre-requisite for promotion on any post. It is further stated that matter was referred to H.R.M., K.M.C for decision in the year, 2012.

5. In fact, the Respondent No. 2 & 4 in their counter affidavit has raised the question of promotion but nothing has been stated for the upgradation. There is a vast difference between promotion and upgradation. In this matter upgradation was decided due to non-availability of any venue or progression as a dead cadre, but the matter is pending since 2012 without any progress which is worst kind of exploitation. Many petitioners are at the verge of their retirement and despite deciding the upgradation of post their cases are lingering on and no benefit was given to them for rendering service of 24 years.

6. As a result of above discussion, this petition is disposed of with the directions to Respondents to decide the long pending issue of upgradation and issue notification within one (01) month. The Secretary, Local Government Department, Government of Sindh is also directed to look into the matter personally and ensure that this order is complied with. Copy of this order be transmitted to the learned A.A.G so that he may forward this order to the Secretary, Local Government Department, Government of Sindh as well as to the Chief Secretary, Sindh.

JUDGE

JUDGE

Aadil Arab