

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P No.D-1111 of 2016**

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<b>Date</b>	<b>Order with signature of Judge</b>	
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**Present**

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

Zahid Hussain & others ..... Petitioners

V E R S U S

Province of Sindh & others ..... Respondents

**Date of hearing 21.12.2016**

Mr. Muhammad Ishaq Khan, Advocate for the petitioners.

Mr. Abdul Khalil, Advocate for the DMC Central.

Mirza Saleem Akhtar Baig, Advocate for the DMC, South.

Mr. Munir Ahmed, Advocate for the DMC, Korangi.

Mr. Salman Sabir, Advocate for the DMC, East.

Mr. Ahmed Zameer, Advocate for the DMC, West.

None present for the D.M.C., Malir.

Ch. Arif, Advocate for the K.M.C.

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

Abdul Jabbar Abbasi, Section Officer, Local Government Department, Government of Sindh.

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**Muhammad Ali Mazhar, J:** The case of the petitioners is that they are permanent employees of Education Department of K.M.C. The Education Department of K.M.C. was devolved to their respective District Municipal Corporations. In fact, the petitioners have approached this court for the declaration that transfer/deputation/absorption and out of turn promotion of

the ex-cadre officials mentioned in annexure P-11 of the petition is illegal as well as the contempt of the hon'ble Supreme Court. A list of the officers is available at page 107 in which the names of 23 officers are mentioned along with their B.P.S, designation, place of posting and their parent departments.

2. Learned counsel for the petitioners argued that despite making various requests to the Municipal Commissioner of the DMCs and the K.M.C, they have failed to implement the Judgment of the hon'ble Supreme Court reported in 2015 SCMR 456 and 2013 SCMR 1752.

3. Notice of this petition was issued to the Respondents on 02.03.2016 but no comments have been filed by them. Today, learned counsel for the D.M.C., South has only filed objection to the petition. Learned counsel for the all five DMCs are present and when they were confronted as to why the Judgment of the Hon'ble Supreme Court has not been implemented? They stated that matter is under process. Learned counsel for the D.M.C., South submits that they have removed one person namely Shoaib Alam while two more case are under process. Learned counsel for the D.M.C., Central, submits that the cases of out of turn promotion have been worked out and matter is under process. Counsel for the D.M.C., Korangi submits that one person was found in violation of the Judgment of Hon'ble Supreme Court and directions have been issued to remove him. Counsel for the

D.M.C., East submits that they will also scan their record for proper implementation. Counsel for the D.M.C., West submits that they have four out of turn promotees and their case is also under process.

4. Learned A.A.G. has produced a copy of letter dated 05.01.2016 which was issued by Secretary, Local Government Department to the Administrator, K.M.C and all Administrators of D.M.Cs for the compliance of the hon'ble Supreme Court's orders. In para-3 clear directions were issued to remove all officers/officials posted in the D.M.Cs in violation of the hon'ble Supreme Court's orders without any delay. In para-4, it is stated that in case, any discrepancy is found at any stage, the respective head of attached wing/office will be held personally responsible and disciplinary proceedings will also be initiated in accordance with law. After going through this letter and the submissions made by the learned counsel for the D.M.Cs, there is no reason to belief that they have no intention to implement the judgment of hon'ble Supreme Court but the matter is lingering on for one or the other pretext.

5. As a result of above discussion, this petition is disposed of along with pending applications with the directions to all the Municipal Commissioners of their respective D.M.Cs as well as Municipal Commissioner, K.M.C. to ensure the implementation of Judgment of the Hon'ble Supreme Court within twenty (20) days' time failing which all responsible persons will have to face the contempt of court proceedings and show cause notice

will be issued to them if compliance report is not submitted through M.I.T-II of this Court. Copy of this order be transmitted to the learned A.A.G, Municipal Commissioner, Municipal Commissioners of all District Municipal Corporations and the Secretary, Local Government Department, Government of Sindh to ensure compliance.

JUDGE

JUDGE

Aadil Arab