

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P.No.D-1668 of 2012

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of MA-10115/17

04.09.2019.

Mr. Altaf Sachal Awan, advocate for petitioner.

Mr. Muhammad Ismail Bhutto, Additional Advocate General.

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The facts in brief necessary for disposal of listed application are that by way of captioned petition, the petitioner sought for his appointment in public service on deceased quota, his petition with bunch of similar petitions was disposed of by this court on 13.10.2016 with the following observations;

"It is made clear that the petitioners in all the captioned petitions will move their fresh applications along with all the requisite attested documents to the Chairman / Chief Secretary, Sindh Karachi, within four weeks and the Committee shall examine all the cases individually and decide the applications of the petitioners within four months by affording proper opportunity to the petitioners and after completing all the codal formalities strictly in accordance with rule 11(A) of Sindh Civil Servants (appointment, promotion and transfer) fails to decide the applications submitted by the petitioners within the stipulated period, petitioners would be at liberty to file contempt applications against Chairman of subject committee/Chief Secretary before this Court for redressal of their grievances."

The petitioner in terms of above order of this court made an application with Chief Secretary, Sindh, same according to him has not been disposed of in letter and spirit, it is in these circumstances, the petitioner has come before this court by way of instant

application for initiating the contempt proceedings against the alleged contemnors.

It is inter-alia stated by the alleged contemnors in their reply/statements to the listed application that the application of the petitioner was entertained, it was not covered by deceased policy as father of the petitioner died on 05.09.1987, while the deceased policy was introduced on 2nd September, 2002 and such decision was communicated to the petitioner.

It is contended by learned counsel for the petitioner that the order of this court has not been complied with by the contemnors as such they are liable to be prosecuted for committing contempt of lawful orders of this Court.

It is contended by learned A.A.G that the order of this court has been complied with and the decision has been conveyed to the petitioner. By contending so, he sought for dismissal of instant application.

In rebuttal to above, it is contended by learned counsel for the petitioner that few persons have been accommodated by the department though their case was not covered by deceased policy. By contending so, he sought for equal treatment for the petitioner.

We have considered the above arguments and perused the record.

The direction, which was issued by this court was only to the extent that the petitioner would make fresh application with Chairman / Chief Secretary, Sindh and the Chairman / Chief Secretary, Sindh would decide such application within stipulated

time. The application so made by the petitioner has been disposed of by Chairman / Chief Secretary, Sindh intimating the petitioner that his case is not covered under deceased policy as his father has died on 05.09.1987, much before introduction of deceased policy, which was introduced on 2nd September, 2002. In that situation, it is rightly being contended by learned A.A.G that order of this court has been complied with. If for the sake of arguments, it is believed that some person have been accommodated by the department though their case was not covered by deceased policy, even then, it may not be a case for which the contempt proceeding could be initiated against the alleged contemnors.

Based upon above discussion, the listed application being misconceived is dismissed accordingly.

JUDGE

JUDGE

Ahmed/Pa,