

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No. D-4915 of 2019

DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

Priority.

1. For order on office objection.
2. For hearing of CMA No. 27857/2019
3. For hearing of CMA No. 21495/2019
4. For hearing of CMA No. 26712/2019
5. For hearing of main case.

Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Yousuf Ali Sayeed.

M.Mubashir Qadir KhanPetitioner

Versus

Province of Sindh and others.....Respondents

03.03.2020

Mr. Shariq Mubashir, advocate for the petitioner alongwith petitioner
Mr. Ahmed Ali Ghumro, advocate for the respondents Nos. 5 to 10.
Mr. Jawad Dero, Addl. A.G
Dr. Sakina Samo, Additional Director Colleges, Education Department, Government of Sindh.

MUHAMMAD ALI MAZHAR, J. The petitioner has brought this petition for declaration that post of the Professor is a selection post. He has also sought the directions against the respondent Nos. 1 to 3 to select the persons for the promotion in BPS-20 as per the recruitment rules for the post of Professor BPS-20. He has also sought directions against respondents Nos. 1 to 3 to consider the petitioner for promotion in upcoming selection board.

2. When this matter was fixed on 26.07.2019 before the learned divisional Bench of this court, as an interim measure the court directed that the promotion of any employee from BPS-19 to BPS-20

shall not be made till further orders. The learned counsel for the respondents argued that due to interim order passed on 26.07.2019 the entire promotion process has been hampered and stopped.

3. During the course of arguments, we raised a query to the learned counsel for the petitioner as to whether any representation / departmental appeal was preferred to ventilate the grievance of petitioner. He pointed out at page No. 39 of the court file in which is a copy of representation made to the Chief Secretary, Government of Sindh by the same petitioner with the request that he may be considered for the post of Professor in BPS-20 in the upcoming selection board as the case squarely falls within the criteria prescribed for the selection on the post of Professor. He also pleads some discrimination in respect of seniority from inception of joining service. The learned counsel for the petitioner submits that this representation is pending without any order passed by the Chief Secretary, Government of Sindh.

4. Dr. Sakina Samo, Additional Director Colleges, Education Department, Government of Sindh is also present and she confirms that the representation is pending as well as learned counsel for the respondents Nos. 5 to 10 also confirms that this representation is still pending. The learned Addl. A.G proposed that some directions may be issued to the Chief Secretary, Government of Sindh for deciding the pending representation in accordance with law. Such proposal seems to be quite logical and also agreed by the learned counsel for the petitioner and private respondents.

5. This petition is disposed of with the directions to the Chief Secretary, Government of Sindh to decide the pending representation of the Petitioner within a period of one month after providing ample opportunity of hearing to him. Interim order passed on 26.07.2019 is

modified to the extent that till the decision on the representation of the petitioner by the Chief Secretary, Govt. of Sindh, at least one post of BPS-20 may not be filled by way of promotion. Pending applications are also disposed of.

JUDGE

JUDGE

TariqAli/PA