

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D- 1652 of 2020

Before:
Mr. Justice Nadeem Akhtar
Mr. Justice Adnan-ul-Karim Memon

Abdul Qudoos Shaikh V/S Province of Sindh and 10 others.

Date of hearing
& decision: 10.03.2020

Mr. Ghulam Asghar Khoro, advocate for the petitioner.

ORDER

ADNAN-UL-KARIM MEMON, J. Through this petition, the petitioner has prayed for issuance of writ of quo warranto against respondents 9 to 11 to vacate the office presently they are holding, inter-alia, on the ground that they are not qualified to hold the office and their appointments are hit by Article 199 (1) (b) (ii) of the Constitution, 1973.

2. We asked learned counsel for the petitioner to satisfy this Court with regard to maintainability of this petition on the ground that private respondents were appointed in the years 2010 and 2011 on regular basis in Population Welfare Department, Government of Sindh. He has submitted that the private respondents are holding public office posts and fall within the purview of sub-clause (1) (b) (ii) of Article 199 of the Constitution, 1973. He added that respondent No.8 is ex-employee of Population Welfare Department, Government of Sindh, and after his retirement he is holding meetings of Welfare Associations in order to blackmail the official respondents ; that during his tenure of service, he pressured the official respondents to appoint his son and relatives i.e. respondents 9 to 11 in BPS-11 to BPS-14, got them promoted. He prays for allowing the instant petition.

3. We are not satisfied with the assertion of learned counsel for the petitioner on the aforesaid question for the simple reason that petitioner is a civil servant and if appointment / promotion of private respondents 9 to 11 has been made in violation of any provision of law, the concerned Services Tribunal is the appropriate forum to challenge it. It is well-settled law that if a colleague is allowed to challenge another colleague's appointment, there would be no end to this ; and, that there will be an anarchy in the Civil Service structure. Reliance is placed in the case of Dr. Azeem ur Rehman v. Government of Sindh, **2004 SCMR 1299**.

4. The above discussions lead us to an irresistible conclusion that the instant petition being incompetent is dismissed in limine along with pending application(s) with no orders as to cost.

JUDGE

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