

IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D-2250 of 2020

Date	Order with Signature of Judge
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Fresh Case :

1. For orders on Misc. No.10502 /2020 (Urgency) :
2. For order on office objections No.4 & 12 :
3. For order on Misc. No.10503/2020 (Exemption) :
4. For order on Misc. No.10504/2020 (Stay) :
5. For hearing of main case :

23.04.2020 :

Mr. Rafiq Ahmed Kalwar, advocate for the petitioner.

1. Urgency granted.
2. Learned counsel undertakes to comply with the office objections before the next date of hearing.
3. Exemption is granted subject to all just exceptions.

4&5. It is contended, inter alia, on behalf of the petitioner that he owns agricultural land situated in Tehsil Nooraja, Taluka Pano-Aqil, District Sukkur ; every *khatedar* in the Province of Sindh is entitled to fair distribution of Food Grain '*Bardana*'; the private respondents are Assistant Food Controller in BPS-15, but they are holding the post of District Food Controller in BPS-16 in various districts of the Province of Sindh on Own Pay Scale (OPS) in violation of Article 199(1)(b)(ii) of the Constitution ; and, they are not qualified and or eligible to hold any post of higher grade that could only held by senior officers of the Food Department, Government of Sindh, in case of the exigency of service, which is lacking in the present case. Through the present petition, the petitioner has impugned various notifications whereby private respondents have been posted in BPS-16 mainly on the ground that they are not entitled to hold the higher post under Rule 8-A(i) of Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, without the approval of the Departmental Promotion Committee, more particularly, the aforesaid assignment given to them is in direct conflict with the law laid down by the Honorable Supreme Court of Pakistan in *Province of Sindh & others v. Ghulam Fareed & others*, **2014 SCMR 1189**, and order dated 03.05.2019 passed by this Court in C.P. No.D-1159/2019 (Allah Dino V/S Province of Sindh and others).

Issue notice to the respondents as well as to learned Advocate General Sindh with direction to file comments before the next date of hearing. At the request of learned counsel, office is directed to issue cover-in-hand to him in respect of the notice to be issued to respondents 1 and 2 who shall also be served through courier service. To come up on **29.04.2020 at 11:00 a.m.**

JUDGE

JUDGE