

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
Constitutional Petition No. D –9015 of 2018

Before:

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Qari Muhammad Abdullah and 02 others

Versus

Province of Sindh and 02 others

For hearing of CMA No.2249 / 2020 (contempt) :

Date of hearing & order : 17.11.2020

Mr. Faizan Hussain Memon, advocate for the petitioner.

Mr. Ali Safdar Depar, Assistant Advocate General.

Mr. Waleed Khanzada, advocate for the respondent No.3 / KW&SB along with Asadullah Khan, M.D., KW&SB.

ORDER

ADNAN-UL-KARIM MEMON, J. The present application for initiating contempt proceedings, against the alleged contemnors, arises out of the order passed by this Court on 26.09.2019 in the aforesaid matter whereby direction was given to the Selection Committee to decide the fate of applications of the petitioners vis-a-vis their appointments in accordance with law.

2. On 24.01.2020, petitioners filed an application under Section 3 & 4 of the Contempt of Court Ordinance 2003 (CMA No. 2249 of 2020) for initiation of contempt proceedings against the alleged contemnor on account of his willful, intentional, and deliberate act of disobeying the above-mentioned order passed by this Court.

3. Mr. Faizan Hussain Memon, learned counsel for the applicants, has submitted that since the alleged contemnor had failed to comply with the order passed by this Court in the aforesaid matter, contempt proceedings may be initiated against him.

4. Mr. Waleed Khanzada, learned counsel for the respondent No.3 / KW&SB, refuted the claim of the applicants and referred to the statement dated 11.11.2020 filed by the alleged contemnor and argued that the respondents have fully complied with the order dated 26.09.2019 passed by this court in its letter and

spirit. He relied upon the copy of the compliance report submitted on behalf of the respondents and argued that nothing is left on their part. He prayed for dismissal of the contempt application.

5. We have heard learned counsel for the applicant and learned counsel appearing on behalf of the respondents on the listed application.

6. We have also scrutinized the compliance report submitted on behalf of the alleged contemnor; prima-facie the explanation offered by the respondents vide compliance statement dated 11.11.2020 is not tenable under the law, for the reason that this Court directed the Selection Committee to decide the fate of applications of the petitioners and their appointments one way or the other strictly under the law. The respondents in their compliance report have taken the plea that the Selection Committee interviewed the petitioners on 06.03.2018 and did not recommend to select them for the subject post. In our view, the respondents ought to have decided the matter afresh but they relied upon the previous decision of the committee which was admittedly taken before passing of the order dated 26.09.2019.

7. In our view, the compliance report submitted on behalf of the alleged contemnor is not in line with the order dated 26.09.2019 passed by this Court in letter and spirit. Resultantly, the compliance report is rejected.

8. We are of the considered view that the interest of justice would be best met if the respondents are granted last opportunity to comply with the direction of this Court in the instant matter without fail within two (02) weeks and to submit compliance report to this Court on the next date of hearing, failing which show cause notice shall be issued to alleged contemnors on the next date of hearing. To be listed on **02.12.2020 at 11:00 a.m.**, when alleged contemnor must be present in Court along with his compliance report.

J U D G E

J U D G E

Shahzad*