

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI
**Constitutional Petition No.D –5891/2020, 6048/2020,
6051/2020, 6052/2020 and 6152/2020**

Date	Order with Signature of Judge
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Priority :

- 1) For order on CMA No.1888 / 21 :
- 2) For order on CMA No.1889 / 21 :
- 3) For order on office objection :
- 4) For order on CMA No.25600 / 20 :
- 5) For order on CMA No.25601 / 20 :
- 6) For order on CMA No.25602 / 20 :
- 7) For hearing of main case.

25.01.2021 :

Moulvi Iqbal Haider, advocate for the petitioners in C.P Nos.5891/2020 and 6048/2020.

None present for the petitioners in C.P Nos. 6152/2020, 6051/2020 and 6052/2020.

Mr. Muhammad Nishat Warsi, DAG.

1) Urgency granted.

2to7) All the above referred constitutional petitions are being disposed of by this common order as the issues raised are similar in nature. Petitioner in C.P No.D- 5891 of 2020 having faced the departmental proceedings was reduced to a lower grade in terms of orders available at page 83 and 85 (annexures H-1 and H-2). Learned counsel as a consequence of these proceedings filed suit No.244/2019 for declaration and permanent injunction that he may be treated in terms of PCP Rules and Accommodation Allocation Rules. Consequently, the suit was disposed of on 15.10.2019, whereby a committee appointed by the appellate authority was required to consider the recommendations. Petitioner having satisfied did not further press the suit and was accordingly disposed of, hence, the petitioner has now filed this parallel proceeding on 20.11.2020 whereby the decision dated 22.03.2019 in the light of the order of this Court in Suit No.244/2019 referred above was to be followed. At the very outset, insofar as the review application is concerned, we do not see any consideration in considering the application as there is no error apparent on the face of it and the interim order was accordingly vacated, which is a mandate given to the authority of the committee in terms of the order and the appellate authority itself.

Be that as it may, in addition to the dismissal of the aforesaid review application while we perused the prayer clause it appears that this Court is being used as an executing Court for execution of the order dated 15.10.2019 passed in Suit No.244/2019. The jurisdiction of this Court in terms of the Article 199 of the Constitution of Islamic Republic of Pakistan 1973 could hardly be extended to cover the scope as being an executing Court in respect of the order referred above. Furthermore, they have initiated the lawful proceedings in view of the recommendations of the committee and issued him a notice after being followed by the explanation, hence, such questions beyond the jurisdiction and mandate of this Court, cannot be probed. The petitioner may face the consequences insofar as the notices are concerned, by responding the same and these questions cannot be subjected to proceedings under Article 199.

We have also scanned the other connected petitions bearing No. D-6048/2020, D-6152/2020, D-6052/2020, and D-6051/2020, but could not find any violation of statutory rules and procedures by the respondents warranting interference by this Court. In view of the aforesaid legal position of this case, these petitions are not maintainable under Article 199 of the Constitution.

We have noticed that under similar circumstances, this Court has already dismissed the petition bearing No.521/2017 vide order dated 02.09.2019 on the ground of maintainability and *prima facie* the case of petitioners in the aforesaid petitions is akin to the petition bearing No.521/2017. This being the situation, we feel that these petitions are misconceived and are accordingly dismissed along with pending applications with no order as to costs.

JUDGE

JUDGE