

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No. D -161 of 2021

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Order with signature of Judge

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Fresh Case

1. For order on CMA No.4244/21 (urgent)
2. For order on office objection no.4&18
3. For orders on Misc. No.668/21 (Exemption)
4. For hearing of main case.

**Dated : 12.02.2021**

Mr. Abdul Ghaffar Khan Niazi, advocate for the petitioners

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1. Granted.
2. Deferred for the time being.
3. Granted subject to all just exceptions.
4. Through this Constitutional Petition, the petitioners have called into question the promotions of seven officials of the Katchi Abadi Department as disclosed in paragraph No.5 of the memo of the petition. It is inter-alia contended by the learned counsel for the petitioners that in compliance to the judgments dated 12.06.2013 ad 15.01.2015 passed by the Hon'ble Supreme Court of Pakistan in Crl. Org. Petition No.89/2011 and Civil Review Petition No.193/2013 respectively and order dated 13.01.2016, the up-gradation of the aforesaid officers and others were canceled vide notification dated 12.02.2016. Per petitioners, now again they were allowed proforma promotion in BPS-17 & BPS-18 with effect from the dates mentioned against each officer (vide office orders dated 29.03.2016 & 05.1.2017). Per learned counsel for the petitioners, the appointments of the officers including Advisors are permissible for those who possess such professional/technical qualification and experience and on such terms and conditions prescribed under section 25 read with (3)(2)(g) of Sindh Katchi Abadi Authority Governing Body Business Conduct Regulations, 2008. He further argued that the appointments and promotions of the aforesaid officials are hit by section 10(1) and section 25 of the Sindh Katchi Abadi Act, 1887. He further argued that petitioners are also entitled to promotion and seniority with effect from 2010 in BPS-17 and onward; that they approached the competent authority for redressal of their grievances but to no avail. He prayed for the direction to the respondents to take action against the seven officers who were illegally

restored in service and their subsequent promotions were erroneously made.

Prima facie, the subject issue can be looked into by the Chief Secretary, Government of Sindh, and Director General Sindh Katchi Abadis Authority whether the judgment passed by the Hon'ble Supreme Court of Pakistan in the case of seven officers as discussed supra was adhered to or otherwise. However, we are inclined to issue notice to the respondents as well as to learned AAG with direction to file comments before the next date of hearing. To be listed in the third week of this month.

Judge

Judge