

Date	Order with Signature of Judges
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Fresh Case :

1. For orders on Misc No.1275 of 2020 (Urgency) :
2. For order on office objection 18 :
3. For order on Misc No.1276 of 2020 (Exemption) :
4. For order on Misc No.1277 of 2020 (Stay) :
5. For hearing of main case :

17.01.2020 :

Mr. Ahmed Ali Ghumro, advocate for the petitioners.

1. Urgency granted. _____
2. Deferred.
3. Exemption is granted subject to all just exceptions.

4&5. It is contended, inter alia, by the learned counsel for the petitioners that punitive action has been proposed to be taken against the petitioners by the respondent-Local Government Department vide note sheet dated 10.01.2020 which is in compliance of the directives issued by the Hon'ble Supreme Court of Pakistan in the case of Maula Bakhsh Shaikh and others vs. Chief Minister Sindh and others (2019 PLC CS 822), whereby it has been held at paragraphs-22 & 23 of the judgment that the Government shall not allow or permit any person to perform professional engineering work as defined in the Pakistan Engineering Council Act, 1976 ("**PEC Act, 1976**"). Per learned counsel, there is grave apprehension that the petitioners may be relieved from their respective posts at any time in compliance of the order passed by the Hon'ble Supreme Court of Pakistan as discussed supra which case is not applicable in the case of the petitioners on the premise that they are graduate in the discipline of B-Tech (Honors) and are eligible to remain on their respective posts. In support of his contention, he relied upon the equivalence certificate issued by the Pakistan Engineering Council and argued that there is no embargo on the posting of B-Tech (Honors) degree holders as Engineers in Government departments, nor there is any embargo on their being promoted or their being assigned field post provided the nature of work to be performed by them is not as falls within the meaning of professional engineering work within the meaning of PEC Act, 1976 as directed by the Hon'ble Supreme Court of Pakistan. He lastly prays for notice to the respondents and seeks suspension of the office note dated 10.01.2020 issued by the respondent No.1.

To appreciate the aforesaid factum of the case as to whether the judgment passed by the Hon'ble Supreme Court of Pakistan in the case of Maula Bakhsh Shaikh *supra* is applicable in the case of the petitioners or otherwise, let at the first instance notice be issued to respondents as well as to learned Advocate General, Sindh for **23.01.2020**. In the meanwhile, respondents are directed to file comments and explain the position as to whether they have correctly applied the ratio of the judgment of the Hon'ble Supreme Court of Pakistan (*supra*) in the case of petitioners or otherwise.

JUDGE

JUDGE

Nadir