

PRESENTED ON.....

Additional Registrar

IN THE HONOURABLE HIGH COURT OF SINDH CIRCUIT BENCH,

HYDERABAD

Const. Petition No. 344 of 2021

Abbas Ali S/O Abdul Ghani Muslim, Adult, Office Assistant
Shaheed Allah Buksh Soomro, University of Art, Design and Heritages, CEAD,
MUET Jamshoro R/O House No. 135, Sherish Nagar Taluka Qasimabad,
Hyderabad.....Petitioner
Cnic No: 41306-7379487-9
Cell No: 0344-3632547.

VERSUS

1. The Province of Sindh, Chancellor of Universities & Boards through Principal Secretary, Sindh Secretariat, Karachi
2. Chief Secretary Govt: of Sindh, Karachi.
3. Secretary Universities & Boards, Govt: of Sindh
4. Secretary Services General Administration & Coordination Department, Government of Sindh
5. The Auditor General of Pakistan, Islamabad through D.G Audit Sindh.
6. The Chairman National Accountability Bureau Islamabad through Director General Karachi, Sindh.
7. Prof: Dr. Muhammad Aslam Uqaili Vice Chancellor Mehran University of Engineering & Technology Jamshoro/Chairman BoG CEAD-MUET /Chairman Syndicate/Competent Authority/Chairman Selection Board CEAD-MUET, Jamshoro.
8. Prof. Dr. Bhai Khan Shar, Acting Vice Chancellor, Shaheed Allah Buksh Soomro University of Art, Design and Heritages, CEAD MUET Jamshoro /Competent Authority/ Retired Director, (CEAD-MUET) Secretary, Selection Board/Secretary, BoG CEAD/Chairman Selection Committees CEAD-MUET, Jamshoro

TWO RUPEES

Rs.

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PAKISTAN
COURT FEE



- 9. Muhammad Younis Kangri /Deputy Registrar Admin (BPS-18),
Secretary Selection Committees, Shaheed Allah Buksh Soomro
University of Art, Design and Heritages, Centre of Excellence in Arts &
Design (CEAD-MUET) Jamshoro.
- 10. Asif Ali Shar Deputy Director Finance (BPS-17), Ex- Clerk
Member Selection Committees, Shaheed Allah Buksh Soomro University
of Art, Design and Heritages, Centre of Excellence in Arts & Design
(CEAD-MUET) Jamshoro
- 11. Shafquat Hussain Shah, Assistant Registrar (BPS-17), / Ex- I. T Assistant
Shaheed Allah Buksh Soomro University of Art, Design and Heritages,
Centre of Excellence in Arts & Design (CEAD-MUET) Jamshoro
- 12. Iftikhar Ali Kandhir, Office superintendent (BPS-17), / Ex- Accountant,
Shaheed Allah Buksh Soomro University of Art, Design and
Heritages, Centre of Excellence in Arts & Design (CEAD-MUET)
Jamshoro
- 13. Munawar Hussain Leghari, Office superintendent (BPS-17), / Ex- Studio
Attendant, Shaheed Allah Buksh Soomro University of Art, Design and
Heritages, Centre of Excellence in Arts & Design (CEAD-MUET)
Jamshoro.
- 14. Moiz Khuwaja, Office superintendent (BPS-17), / Ex- Studio Attendant,
Shaheed Allah Buksh Soomro University of Art, Design and Heritages,
Centre of Excellence in Arts & Design (CEAD-MUET) Jamshoro
- 15. Zulqurnain Bhutto, Office superintendent (BPS-17), / Ex- Studio
Attendant, Shaheed Allah Buksh Soomro University of Art, Design and
Heritages, Centre of Excellence in Arts & Design (CEAD-MUET)
Jamshoro.
- 16. Ali Muhammad, Office superintendent (BPS-17), / Ex- Studio Attendant,
Shaheed Allah Buksh Soomro University of Art, Design and Heritages,
Centre of Excellence in Arts & Design (CEAD-MUET)
Jamshoro.....Respondents



ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

C.P. No.D-344 of 2021

DATE ORDER WITH SIGNATURE OF JUDGE (S)
For orders on M.A. No.4597/2021.

03.06.2021

Petitioner is present in person.
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Urgency is granted. To come up on 23.06.2021 along-
with C.P. No.D-133 of 2021 and C.P. No.D-656 of 2019 with
due notice to all concerned.

Sd/- ZULFIQAR AHMAD KHAN,
JUDGE.

Sd/- MUHAMMAD SALBEEN JESSAR,
JUDGE.

CERTIFIED TO BE TRUE COPY

(Muhammad Iqbal Memon)
Assistant Registrar
High Court of Sindh
Circuit Court, Hyderabad.



Order Sheet
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

CP No. D- 133, 344 of 2021
CP No. D- 656 of 2019

DATE ORDER WITH SIGNATURE OF JUDGE

20.10.2021

Petitioner present in person

Mr. Parkash Kumar, Advocate is present

For Masood Rasool Babar, Advocate for respondent No.7 in CP No.
D- 344 of 2021

Mr. Allāh Bachayo Soomro, Addl.A.G.

Petitioner through instant petition has called in question the appointments of private respondents who are purportedly holding acting charge, additional charge on own pay scale in violation of the dicta laid down by the Hon'ble Supreme Court of Pakistan in the case of Province of Sindh v. Ghulam Fareed and others (2014 SCMR 1189) as well as Cr. Org. Petition No. 89 of 2011 (2013 SCMR 1752). Prima facie this is a question of serious lapse on part of the respondent universities; if it has happened in this case, it needs urgent hearing. Let the Focal Person of respondent Universities and Boards, Government of Sindh be in attendance on the next date of hearing.

To come up on 21.10.2021. To be taken up at 11:00 a.m.

Sd/- ~~ADNAN-UL-KARIM MEMON,~~
JUDGE.

Sd/- ADNAN IQBAL CHAUDHRY,
JUDGE.

CERTIFIED TO BE TRUE COPY

(*Adnan Iqbal Memon*)
Assistant Registrar
High Court of Sindh,
Circuit Court, Hyderabad

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
C.P.No.D-133, 344 of 2021
C.P.No.D-656 of 2019.

DATE _____ ORDER WITH SIGNATURE OF JUDGE _____

21.10.2021.

Petitioners are present in person.
Mr. Parkash Kumar, Advocate is present.
Mr. Masood Rasool Babar, advocate for respondent No.7
in C.P.No.D-344 of 2021.
Mr. Ashfaqe Nabi Kazi, Assistant Attorney General for
Pakistan.
Mr. Abdullah Khan Laghari, advocate for respondent No.6.
Mr. Allah Bachayo Soomro, Addl.A.G along with Dr. Abdul
Waheed Umrani Registrar, Ghulam Muhodin Mehran
University. Muhammad Younis Deputy Registrar Shaheed
Allah Bux Soomro University, Soaib Zafar Assistant audit
Officer

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Mr. Abdullah K. Laghari advocate files power along with
statement and certain documents on behalf of respondent No.6 and 7,
which are taken on record. In pursuance of the order dated 20.10.2021,
the Focal persons have appeared along with their counsel and request
time to prepare their brief. Time is allowed. Adjourned, however it is
made clear that if respondent fail to justify their current/Additional
charge on (OPS) bases, the Court will pass an appropriate order in
term of judgment passed by the Hon'ble Supreme Court as maintained
in the order dated 20.10.2021.

To come-up on 26.10.2021. To be taken up at 11:00 a.m.

Sd/- **ADNAN-UL-KARIM MEMON,**
JUDGE.

Sd/- **ADNAN IQBAL CHAUDHRY,**
JUDGE.



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(**Muhammad Iqbal Memon**)
Assistant Registrar
High Court of Sindh,
Circuit Court, Hyderabad.

21/10/2021

**ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

C.P. No.D-656 of 2019
C.P No.D-133 & 344 of 2021

DATE ORDER WITH SIGNATURE OF JUDGE(s)

26.10.2021

Petitioners are present in Person.

Mr. Parkash Kumar, Advocate for respondent No.7 in C.P No.D-133/21.

Mr. Masood Rasool Babar Memon, Advocate for respondent No.7 in C.P No.D-344/21.

Mr. Abdullah Khan Leghari, Advocate for respondent No.6.

Mr. Allah Bachayo Soomro, Addl. Advocate General, Sindh along with Shoaib Zafar Asst. Audit Officer on behalf of DG Audit Sindh, Karachi.

Mr. Ashfaque Nabi Qazi, Asst. Attorney General for Pakistan.

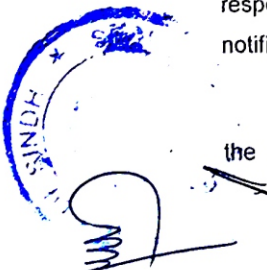
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The petitioners have prayed for enforcement of the judgment passed by the Honourable Supreme Court rendered in the case of contempt proceedings against Chief Secretary Sindh (2013 SCMR 1752), concerning employees working on contract basis, deputation basis, on the higher post in own pay and scale, out of turn promotion and posts upgraded in Universities / Institutes.

Learned counsel for the petitioners has submitted that the private respondents including the beneficiaries are purportedly holding acting / additional charge on their pay and scale (OPS) in violation of dictum laid down by the Honorable Supreme Court in the case of the province of Sindh v. Ghulam Fareed & others (2014 SCMR 1189) and prayed for action against the delinquent officials who acted in violation of the law laid down by the Honourable Supreme Court in the aforesaid cases.

Today, learned counsel for the official respondents has filed a statement(s) with the assertions that the posting of officers/officials working on OPS and acting charge / additional charge basis including Registrar of the respondent – University have been reverted to their original posts/offices vide notification dated 25.10.2021.

This was the position of respondent No.3 whereby he has directed all the universities and boards to comply with the orders passed by the



Honourable Supreme Court in letter and spirit. Both the statements are taken on record. At this stage, petitioners have raised their voice of concern that the official respondents have not fully complied with the directives as beneficiaries on deputation, out-of-turn promotees continue to serve the respondent – University in violation of the dictum laid down by the Honourable Supreme Court, to which the Focal Person present in the Court submits that he will comply with the directions and will submit a further report to show that all deputationists and out-of-turn promotees have been reverted.

Again the learned counsel for the petitioner had pointed out that several persons who were initially appointed on Naib Qasid on lower posts have been assigned the work of higher grade in violation of the law. The Focal Person is directed to look into the matter in this respect also and submit a report with the signature of the competent authority of respondent – university on the next date of hearing. The Assistant Audit Officer shall submit his report on or before the next date of hearing, however, he is exempted from appearing in Court until directed otherwise.

To come up on 02.11.2021.

Sd/- ADNAN-UL-KARIM MEMON,
JUDGE.
Sd/- ADNAN IQBAL CHAUDHRY,
JUDGE.

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(Signature)
Muhammad Iqbal Memon
Assistant Registrar
High Court of Sindh,
Circuit Court, Hyderabad.
02/11/2021

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

C.P No.D-133 of 2021

C.P No.D-344 of 2021 ✓

C.P No.D-656 of 2019

DATE ORDER WITH SIGNATURE OF JUDGE(S)

02.11.2021.

Petitioners are present in person.

M/s. Parkash Kumar, Masood Rasool Babar Memon & Abdullah Khan Leghari, Advocate for respondent(s) / university along with Mr. Faizan Bhatti, Legal Officer.

Mr. Ashfaque Nabi Qazi, Asst. Attorney General for Pakistan.

Mr. Allah Bachayo Soomro, Addl. A.G, Sindh.

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Heard arguments. Reserved.

Sd/- ADNAN-UL-KARIM MEMON,
JUDGE.

Sd/- ADNAN IQBAL CHAUDHRY,
JUDGE.

CERTIFIED TO BE TRUE COPY

(Muhammad Usaid Memon)

Assistant Registrar
High Court of Sindh,
Circuit Court, Hyderabad.

