

1903  
13/4/19

PRESENTED ON 13.4.2019  
*[Signature]*

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

D = 656

Constitutional Petition No. \_\_\_\_\_ of 2019

- 1. Rao Abdur Razik  
S/O Rao Aley Muhammad  
Muslim, adult, by caste Rajput  
R/O Block-C Unit No. 6  
Latifabad Hyderabad
- 2. Ghulam Parvar  
S/O Dilbar Hussain  
Muslim, adult, by caste Odho  
R/O Bungalow No 53, New Citizen  
Colony Qasimabar Hyderabad ..... **PETITIONERS**

**VERSUS**

- 1. Federation of Pakistan  
through Chairman Higher Education  
Commission Pakistan  
Islamabad
- 2. Province of Sindh  
through its Chief Minister (Chancellor)  
Government of Sindh,  
Sindh Secretariat Karachi
- 3. The Secretary Universities & Boards  
Government of Sindh,  
Sindh Secretariat Karachi
- 4. The Deputy Secretary Universities & Boards  
Government of Sindh,  
Sindh Secretariat Karachi
- 5. The Chairman NAB  
through its Director General NAB  
Karachi
- 6. Prof: Dr. Muhammad Aslam Uqaili  
Vice Chancellor  
M. S. U. University of Engineering &  
Technology Jamshoro ..... **RESPONDENTS**



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 Qureshi, 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 Honourable 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

CERTIFIED TRUE COPY

Assistant Registrar (Writ)

C.P Nos.D-656 of 2019, 133 & 344 of 2021 (03 Cases) No. 8429 Dated 27<sup>th</sup> October, 2021

**Copy forwarded for information & necessary compliance in view of this Honourable Court's above mentioned order, to:-**

- X. The Deputy Attorney General for Pakistan, Hyderabad.
- X. The learned Additional Advocate General Sindh, Hyderabad.
- X. Mr. Masood Rasool Babar Advocate, Hyderabad.
- X. Mr. Jhamat Jethanand Advocate, Hyderabad.
- X. Mr. Abdullah Khan Leghari Advocate, Hyderabad.
- X. Mr. Shoaib Zafar, Assistant Audit Officer in Charge of O.G Audit, Sindh, Karachi.
- 3. The Secretary, Universities & Boards Department, Government of Sindh, Karachi.

The matters are again fixed on 02.11.2021 at 08:30 a.m.



ASSISTANT REGISTRAR (WRIT)