

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Const. Petition No. D-1560 of 2021

Date	Order with signature of Judge
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1. For orders on office objection at flag `A`
2. For orders on CMA No.7520/2021
3. For orders on CMA No.7521/2021
4. For hearing of main case

08-12-2021

Mr. Nisar Ahmed Bhanbhro, Advocate for the petitioners

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On 30.11.2021 we had passed the following order.

1. Urgency granted.
2. Mr. Sheeraz Fazal Advocate has filed Vakalatnama on behalf of the Petitioner No.1; which is taken on record. Counsel for the Petitioners has been confronted as to how this Petition is maintainable in view of the fact that impugned order dated 31-08-2021 has been passed pursuant to directions of a Division Bench of this Court in C.P No.7382/2019 and others, which has also been approved by Honourable Supreme Court in the case reported as (2021 SCMR 1204). Counsel needs time. At his request, time is allowed.

To come up on 08-12-2021

Today learned Counsel has been heard on the above objection. It appears that for the present purposes the petitioners are aggrieved with letter dated 31.08.2021 available at page 113, issued by Project Director Expanded Program on immunization (EPI) Health Department, Government of Sindh, Karachi, which has been addressed to the District Health Officer Khairpur, and apparently for this reason, the petitioners had also joined the District Health Officer Khairpur as a respondent; however, their primary grievance is against Project Director, at Karachi. Despite this, as an abundant precaution, they had also filed an application under Rule 7 of the High Court Benches Rules 1987. Office at the principal seat had placed the matter before the Honourable Chief Justice for appropriate orders on the said application; which has been sent

to this bench; whereas, the petition has been filed on the ground that the impugned letter has been issued pursuant to judgment passed by a Division Bench at the principal seat in CP No.D-7382/2019 and other connected matters, and according to the petitioners, the impugned action is beyond the directions of the learned Division Bench as above. It appears, neither an application under Rule 7 was required to be filed; nor the office ought to have raised objection as to the territorial jurisdiction as apparently the petitioners' case is an outcome of judgment passed in CP No.D-7382/2019 and other connected matters at the Principal Seat, whereas, the District Health Officer, Khairpur has to just implement the orders. Today we have also been informed that various other petitioners have also impugned the said letter and after issuing notices the petitions including CPNo.D-5987/2021 and 6009/2021 are fixed today before a Division Bench at the principal seat. Therefore, in order to avoid conflicting views/orders, and for the fact that main/earlier judgment has been passed at the Principal seat from which now the impugned action has arisen, therefore let this petition be sent to the principal seat for fixation along with CP No.D-5987/2021 and other connected matters. Office to retain copies and act accordingly.

JUDGE

JUDGE

Suleman Khan/PA