

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

*C.P No.D-3310 of 2017*

**BEFORE: Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Adnan Iqbal Chaudhry**

*Petitioners* : *In person*

*Respondent No.5* : *Through Zulfiqar Ali Abbasi, Advocate.*

*Respondent* : *Through Mr. Allah Bachayo Soomro,  
Addl. Advocate General Sindh.*

*Date of Hearing  
& Decision* : *24.11.2021*

**ORDER**

**ADNAN-UL-KARIM MEMON, J:-** Through this petition, the petitioners are seeking directions to the official respondents to upgrade the post of Octroi / Recovery Clerk of the petitioners from BPS-05 to BPS-11 with effect from 2018 i.e. the date of up-gradation of the post of Junior Clerk(s) by the Government of Sindh with all back benefits.

**2-** The petitioners, who are present in person, have averred that they were appointed in the year 1984 and onwards as Octroi / Recovery Clerk BS-05 in the office of Chief Municipal Officer, Municipal Committee Bolhari. Per petitioners, the post of Junior Clerks has already been upgraded to BPS-11 by the order of the competent authority; and, they have been left behind, without assigning any reason. Petitioners further averred that their colleagues filed C.P No.D-896 of 2012 before this Court, and the benefit of up-gradation was also awarded to them; and, the case of the petitioners is akin to the case as decided supra. In support of their contention, they relied upon the notification dated 03.05.2018, whereby the post of Octroi / Recovery Clerk (BS-05) has been upgraded as Junior Clerk (BPS-11) in Local Councils of Sindh with immediate effect. They also relied upon the Office Order dated 01.06.2018 whereby the competent authority i.e. CMO M.C Bolhari has accorded approval to upgrade the post of Octroi / Recovery Clerk from BS-05 to BS-11 as Junior Clerk with effect from 04.05.2018, and they were allowed to draw their pay in scale BS-11 with effect from 04.05.2018. They also relied upon the office order dated 19.12.2014 issued by the Government of Sindh, Local

Government Department (Local Government Board), whereby the Honourable Supreme Court in Contempt Petition No.107-K of 2014 directed the Local Government to implement the judgment in letter and spirit in up-gradation case. Petitioners further averred that they are at the verge of retirement however, the benefit of up-gradation has not yet been given to them even the juniors of the petitioners have been promoted from BPS-14 to BPS-16, which is the discriminatory attitude on the part of the respondent – department. They lastly prayed for allowing the instant petition.

**3-** The learned A.A.G assisted by learned counsel for respondent No.5 referred to Para Wise Comments filed on behalf of respondents No.4 and 5 and submitted that the case of the petitioners has already been sent to the Competent Authority of Local Government for the aforesaid purpose on the analogy that the post of the petitioners is isolated one with no further promotion, however, the action is yet to be taken.

**4-** We have heard the petitioners, who are present in person, learned counsel for respondent No.5 as well as learned A.A.G and perused the material available on record.

**5-** We have noticed that the case of the petitioners has already been forwarded to the Competent Authority for up-gradation of the isolated post(s) with no future promotion prospect. Accordingly, the matter of the petitioners is remitted to the Competent Authority of the respondent – the department for consideration of their case for grant of benefits of up-gradation, from BPS-05 to BPS-11 from the date of up-gradation of the post of Junior Clerk(s) as per the policy of the Government of Sindh.

**6-** The aforesaid exercise shall be undertaken within one month from the date of receipt of this order.

**7-** This petition stands disposed of along with pending applications in the above terms with no order as to costs.

**JUDGE**

**JUDGE**