

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP. No. D- 5978 of 2017

Date _____ Order with Signature(s) of Judge(s) _____
For further orders

27.01.2022

Mr. Abdul Salam Memon, advocate for the petitioners.
Malik Naeem Iqbal, advocate for respondents 4 to 14.
Mr. Ali Safdar Depar, AAG

Mr. Abdul Salam Memon, advocate for the petitioners, has pointed out that this matter was disposed of vide order dated 12.1.2021 in the following terms:

“6. During the course of arguments, it has been urged that in presence of prescribed rules notified on 06.01.2009, the promotion case of private respondents cannot be adjudged to be unlawful for the reason that seniority is not the sole criteria for the promotion; and none of the senior employees have raised any grievance against them; that the petitioners were appointed in the year 2016 as Assistant Directors in Social Welfare Department, whereas the private respondents were promoted in the year 2012 in the light of recruitment rules notified on 06.01.2009. Be that as it may, we direct the competent authority to probe whether while granting promotion to the private respondents, the senior employees were considered for promotion or otherwise and submit the compliance report through MIT-II of this Court, within two (02) months. Let notice be issued to the Chief Secretary and Secretary Social Welfare Department, Government of Sindh, for compliance.

7. In light of the above facts and circumstances, this petition is disposed of along with the pending application(s) in the above terms, with no order as to costs.”

Learned counsel for the petitioners referred to the orders dated 11.1.2021, 30.8.2021, 6.10.2021, 10.11.2021, and 07.12.2021 passed by this Court, whereby Chief Secretary and Secretary Services General Administration and Coordination Department were directed to look into the matter and furnish compliance report. Learned counsel for the petitioners referred to the compliance report submitted by the Secretary, Social Welfare Department, Government of Sindh, on 12.1.2022, however, insisted that the disciplinary proceedings initiated against the officials, who were instrumental to grant undue promotions, as observed by this Court, shall be concluded to its logical conclusion.

At this juncture, learned counsel representing the respondents 4 to 14 have raised the hue and cry that no punitive action has been suggested by this Court while disposing of the matter, therefore, this Court cannot go beyond the disposal order as discussed supra, therefore, no further order is required by this Court.

Learned AAG has refuted the claim of the private respondents and has referred to the compliance report and submitted that the disciplinary

proceedings have already been initiated against the officials who were found guilty by the inquiry committee. Be that as it may, we are only concerned to ascertain whether the competent authority probed the matter as directed supra.

To that effect, we have gone through the compliance report dated 12.01.2022 which explicitly shows the following position of the case. An excerpt of the report is as under:

“As per court direction appropriate action has been initiated against the following Assistant Directors(BPS-17) who as per the report submitted by Director General (HQ), Social Welfare Department / Inquiry Committee through letter / Note No.PA/DGSW/D-5978/2017/1259 dated 22-04-2021 & 27-08-2021 were given undue promotion and issued Show Cause Notices under E&D Rules, 1973.

01. Mr. Sajjad Ahmed Mangi

02. Mr. Muhammad Khan Memon

03. Mr. Zulfiqar Ali Bhutto

04. Mr. Mehar Ali Bhutto

In view of the above, prima facie, the compliance of the order dated 12.01.2021 has been made in its letter and spirit; and, it is for the competent authority of the respondent-department to look into the affairs as discussed supra, which is an internal matter of the respondent-department, however, we expect that the proposed action as suggested by the respondent department shall be subject to all just exceptions as provided under the law. Since no application is pending, we deem it appropriate to direct the office to consign the matter to record.

JUDGE

JUDGE