

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D –1251 of 2017
Constitutional Petition No. D –7433 of 2018

Date	order with signature of Judge(s)
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CP No. D –1251 of 2017

For direction:

1. For order on MIT-II report dated 20.04.2020
2. For hearing of Misc. No.17774/2020 (Contempt)

CP No. D –7433 of 2018

Direction:

For hearing of Misc. No.17333/2020 (Contempt)

02.03.2022

Petitioner present in person in CP No.D –1251 of 2017

Mr. Ali Safdar Depar, AAG

Mr. Altaf Hussain, advocate for KMC alongwith Toureer Ahmed Siyal KMC

Mr. Sarwar Ali, advocate for KMC Korangi

Mr. Mushahid Anwar, Director Education Korangi

These petitions were disposed of vide order dated 11.02.2020, an excerpt whereof is as under:

“These two petitions were filed on the ground that concerned Municipal Commissioners are not sending the cases of the petitioners for consideration of promotion from BS-14 to BS-16 for DPC. Counsel representing the DMC/respondents state that the matters of the petitioners have been sent to the concerned Municipal Commissioner, DMC Korangi to the Secretary Local Government for perusal and to place the same before the DPC. The Secretary Local Government is directed that without getting influenced with the said report of the DMC Korangi to consider the cases of the petitioners, sent by the concerned Municipal Commissioners with regard to their promotion from BS-14 to BS-16, and decide the same through DPC strictly in accordance with law within a period of 60 days from the date of receipt of this order. Compliance report be submitted to this Court through MIT-II. With these directions the instant petitions are disposed of with the consent of the parties along with all the listed and pending application(s). Let a copy of this order be sent to the Secretary Local Government of Sindh for information and compliance.”

The petitioner in CP No.D –1251 of 2017, who is present in person and submitted that since 2011 she is in Grade-14 and during the service she has qualified M.A. DTC, CT, B.Ed and M.Ed and she is only striving for her promotion in Grade-16 but despite having such high qualification she has not been considered for promotion. Per petitioner, despite recommendations by DPC, the case of the petitioner has not been considered for promotion from BS-14 to 16 along with benefits. She prayed for initiation of contempt proceedings against the alleged contemnors.

Learned counsel representing DMC Korangi has submitted that the petitioner’s name appears at Sr. No.38 of the Seniority List of Junior School Teachers in BPS-16, DMC Korangi

prepared on 01.03.2022, which complies with the order dated 22.02.2022 passed by this court. He prayed for dismissal of the contempt application.

We have heard the petitioner who is present in person, learned counsel representing the DMC Korangi and perused the material available on record.

The Final Seniority List of JSTs of DMC Korangi shows the following position:

Sr. No.	Emp.No	Name	F/H Name	Desig	BPS	Date of Birth	Date of Appt.	Last Promotion Date	Date of Retirement	Qualification		Zone
										Academic	Professional	
38	274090	Nazia Tauseef	Tauseef Ahmed	JST	16	29.09.1972	22.10.1992	24.02.2010	28.09.2032	1998	2002	Shah Faisl
13	E01780	Rubina Abbas	Muhammad Abbas	JST	14	06.09.1967	09.09.1989	13.02.1997	05.09.2027	1989	1995	Landhi

As per learned counsel representing DMC Korangi, the petitioner was appointed as PST (BS-07) in 1992 in Municipal Committee West, later on, she was promoted to the post of JST (BS-14) which post is actually in BS-09, instead of BS-14; and she ought to have been repatriated to her parent district i.e. District West rather than claiming seniority and other service benefits from DMC West. In support of his contentions, he relied upon the letter dated 18.02.2019 and the statement dated 07.08.2019.

At this stage, we confronted him that vide minutes of the meeting of Departmental Promotion Committee DMC Korangi on 13.01.2021, the petitioner was recommended from BS-14 to BS-16, Education Department, DMC Korangi, however, learned counsel insisted that as per Final Seniority List dated 01.03.2022, the petitioner has been placed in BS-16, therefore, the compliance of the order has been made.

From the above facts and circumstances of the case, prima facie, the compliance of the order passed by this court has been substantially made, therefore, we are not inclined to stretch the matter furthermore on the listed applications, leaving the petitioner at liberty to assail the Seniority List, if her cause still subsists, before the proper forum under law.

Both the listed applications are dismissed.

JUDGE

JUDGE