

IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Aftab Ahmed Gorar

Mr. Justice Adnan-ul-Karim Memon

C.P. No. D- 413 of 2022

**Ms. Baby Hawa, Mrs. Habiba Anjum
And Ms. Shabana**

Petitioners

through

: Malik Naeem Iqbal, advocate

Respondents

Though

: Mr. Ali Safdar Depar, AAG alongwith Mr. Atta Hussain Rajpar, Technical Officer, Health Department.

Dates of hearing

: **03.03.2022**

ORDER

Petitioners have filed the captioned petition prayed therein to direct the respondent-Finance Department to rectify their mistake and reflect 36 posts of Nursing Lecturer (BS-18) and Clinical Lecturer (BS-18) in the Budget Book for the year 2021-22 rather than 2022-23 and then convene a meeting of Departmental Promotion Committee (DPC) and/or Provincial Selection Board (PSB) for promotion of the petitioners in the next rank.

At the outset, Mr. Ali Safdar Depar learned AAG has submitted that the very purpose of the filing of the instant petition has been served on the sameness that the respondent-Finance Department has issued a Corrigendum No.FD (B&E- V) 9(141)/2021-22 dated 25.02.2022, and the subject posts have been reflected in the budget book 2021-22 (Volume-III). And the same shall be incorporated in the next financial year's Budget Book-2022-23 (Volume-III), accordingly. Learned AAG added that the respondent-department will consider the promotion of eligible employees including petitioners against 36 posts of both nomenclatures, for that, the department needs three months for the process of promotion.

The aforesaid stance has been contested by the learned Counsel for the petitioners on the ground that the subject posts have already been shown in the budget book,2021-22 by the Finance Department, Government of Sindh; and, now cannot be switched over to next budget year 2022-23. Learned counsel further submitted that the respondents are required to convene a meeting of DPC for promotion of BS-17 to BS-18 officers along with the promotion of BS-18 officers to BS-

19 by the Provincial Selection Board at the same time as a sufficient period has already elapsed. Learned counsel lastly submitted that since the mistake has been rectified via corrigendum dated 25.02.2022, however, petitioners have a reservation to the extent that the respondents have erroneously suggested for incorporation of the subject post in the next financial years Budget Book 2022-2023; and, this Court may direct them to incorporate the subject posts in Budget Book 2021-2022 by way of circulation and the last paragraph of the notification may be ordered to be rectified.

We have heard learned counsel for the parties and perused the material available on record.

Since the very purpose of the petition has been served, however, the contentions of the petitioners that the subject posts could not be switched over in the next financial years budget book 2002-2023 is tenable, therefore, we are inclined to accept this petition on the aforesaid analogy, let Secretary, Finance Department, Government of Sindh, rectify the mistake as contained in paragraph 2 of the corrigendum by way of circulation, consequently, we direct the competent authority/ respondents 1 and 2 to convene DPC and/or PSB meeting for promotion of the petitioners in their next rank, subject to their qualification, eligibility, and length of service. The aforesaid exercise shall be undertaken within one month positively.

Let this order be transmitted to the respondents for compliance.

The petition stands disposed of in the above terms.

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Nadir*