

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D –3668 of 2020

Date _____ order with signature of Judge(s)

For direction:

1. For order on CMA No.9794/2021 (Contempt)
2. For hearing of CMA No.11052/2021 (Contempt)

15.03.2022

Malik Altaf Hussain, advocate for the petitioners

Mr. Ali Safdar Depar, AAG along with Mr. Khalid Hyder Shah, Secretary, College, Education Department and Ihsan Ali Leghari, Deputy Secretary, College Education Department.

ORDER

Alleged contemnor has filed a reply to the notice of contempt with the assertion that the application is not maintainable and liable to be dismissed on the premise that the College Education Department has recently amended the recruitment rules of Superintendent (BPS-17), Assistant (BS-16), Senior Clerk (BS-14) and Junior Clerk (BS-11) wherein 70% by initial appointment and 30% by promotion to the staff of BS-01 to BS-04 of respective regions vide notification dated 07.9.2021; that before this amendment in recruitment rules there was no provision for promotion for BS-01 to BS-04 to the post of Junior Clerk (BS-11) in College Education Department.

Learned AAG has relied upon the documents attached with the reply and submitted that no case for contempt is made out. He prayed for dismissal of the contempt application. Be that as it may, this petition was disposed of vide order dated 16.02.2021 with the following observation:

“6. Prima facie, the impugned order dated 04.8.2020 does not disclose the justiciable reasons for recalling the promotion of the petitioners, however, the respondents have reservations against such promotion of the petitioners which primarily needs to be looked into by the competent authority under the relevant law and this Court, at this juncture, is not a position to thresh out such allegations and counter-allegations so raised by the parties hereinabove under writ jurisdiction.

7. In the light of the above facts and circumstances of the case, this matter is remitted to the Secretary, Education Department, Government of Sindh, to look into the matter and examine the case of petitioners for promotion in the higher rank and if at all they meet the promotion criteria, they shall be given their due promotion to the next rank under the law without looking into the impugned order dated 04.08.2020 as discussed supra. The aforesaid exercise shall be undertaken within one month from the date of receipt of this order.

8. This petition stands disposed of in the above terms along with the listed application(s).”

A similar issue is also pending adjudication before this Court in CP No.D-1576/2021. Let this matter come up after two weeks along with CP No.D-1576/2021.

The alleged contemnor shall be in attendance for further proceedings.

JUDGE
JUDGE