

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.D-7450 of 2018

Date	Order with signature of Judge
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For hearing of CMA 4486/21

Dated: 10.03.2021

Malik Naeem Iqbal for petitioners.
Mr. Ali Safdar Depar, Assistant Advocate General.
Respondent No.4 Mst. Tabassum Abbasi in person.

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This petition was disposed of vide judgment dated 04.12.2020 in the following terms:-

“13. As a result of the above discussion, we conclude that the impugned posting of respondent No.4 on the post of Director I.T., instead of Project Director I.T., was not only illegal but also in violation of the direction of the Hon’ble Supreme Court. Accordingly, her impugned regularization as Director I.T. was also illegal. During the course of the hearing, it was stated by learned counsel for respondent No.4 that she will have no objection if she is allowed to retain the post of Project Director I.T. instead of Director I.T. as both the said posts fall under the same pay scale i.e. BPS-18.

14. Accordingly, both the impugned Notifications dated 04.10.2016 and 18.07.2017 issued by the Sindh Government, being in violation of the clear command of the Honorable Supreme Court, are hereby set aside, with the direction that respondent No.4 shall be treated and deemed to be the Project Director I.T. (BPS-18) in the Police Department of the Government of Sindh for all legal intent and purposes. The petition is disposed of in the above terms with no order as to costs.”

Learned Assistant Advocate General in pursuance of orders of Hon’ble Supreme Court as well as of this Court has today yet again filed a notification dated 05.03.2021 along with statement whereby respondent No.4 Mst. Tabassum Abbasi is deemed as Project Director IT (BS-18) in the Police Department, Government of Pakistan. Perhaps on the same post of Director IT, which fact however is denied by learned AAG. Thus, it would mean that the post of Director IT would still be available for the initial appointment. Learned Assistant Advocate General has not replied a proper answer in this regard and has submitted

that this notification is exactly in terms of orders of Hon'ble Supreme Court as well as of this Court. There is no question of regularization of Project Director IT as even otherwise the regularization was set aside by this Court in terms of order dated 04.12.2020. Prima facie, the notification dated 05.3.2021 explicitly shows that Mst. Tabassum Abbasi shall remain as the Project Director (IT) BPS-18 in the Police Department, Government of Sindh, for all legal intent and purposes and in no way shall be treated as regular incumbent on the subject post.

However, to cut short the controversy we may also observe that if the above notification is deemed to be a notification in respect of Project Director IT, then there is another conclusion to the effect that the regular post of Director IT post is still lying vacant.

To this learned Assistant Advocate General submits that if this is the legal position of the case, he will prefer to seek instructions from the respondent-department to the effect whether the post of Director (IT) is likely to be filled through a competitive process or otherwise. Be that as it may, the said exercise shall be completed preferably in four weeks, which proposition is candidly accepted by learned counsel for petitioners. While this exercise is being carried out, the learned AAG may also explain about the project of which she was appointed as Project Director and its updates and duration.

To come up after ten days.

Judge

Judge