

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

C.P. No.D-2798 of 2020

Date	Order with signature of Judge
------	-------------------------------

For orders as to maintainability of petition.

Dated: 17.03.2021

Petitioner present in person.
Mr. M. Nishat Warsi, Deputy Attorney General.
Mr. Zafar Imam for official respondents/FBR.

-.-.-

Through the instant petition, the petitioner claims his appointment as Lower Division Clerk (LDC) in the Federal Board of Revenue (FBR) on the premise that he qualified for the subject examination and was declared a successful candidate. Per petitioner, vide letter dated 06.08.2019 all the successful candidates were intimated accordingly, however, he was excluded without assigning reasons. Being aggrieved and dissatisfied with the said approach of the respondent-FBR, he assailed such findings before the competent authority of FBR vide letter dated 27.2.2020 but to no avail, compelling him to approach this Court on 09.06.2020. This matter is pending for quite some time and despite efforts, no relevant documents were filed, and hence on the last date i.e. 16.03.2021 respondents' counsel was put on notice to submit all such documents on which he was/is relying upon and also to proceed with the matter.

Today he has filed certain documents however he is unaware of the factual aspect of the case and the documents relied upon by him. However, he insisted to provide him sufficient time to place on record the documents to show what was the merit and/or criteria required for the subject post of LDC; and, as to why the petitioner was excluded from such appointment. The learned counsel has not come prepared at all and was also not prepared on the last date of hearing. Even no one is in attendance to represent the office of Chief Commissioner who is appointing authority of Corporate Regional Tax Office.

Before parting with this case, it may be observed that the respondent-department has a right to defend the case, however, subject to provide full assistance to the Court to conclude the case. It is well-settled law that a person coming to the Court must be fully aware of his right i.e. whether he is entitled to such right or not, but in the present

case, the respondent-department has shown casual attitude and completely failed and neglected to assist this Court properly for the reasons best known to the respondent-department who were required under the law to come and assist this Court on the subject issue, but unfortunately, that has not been done so. Such conduct on their part is not acceptable as they have consumed and wasted valuable time of this Court which could have been utilized to decide genuine and urgent matters. We, therefore under the peculiar facts and circumstances of the case, are compelled to impose the cost of Rs.50,000/- on Chief Commissioner Regional Tax Office Karachi/respondent No.3. The amount be deposited by respondent No.3 with High Court Clinic within a week. The counsel for respondents is directed to come prepared on the next date since he has not been aware as to what was merit and/or criteria as far as recruitment on the subject post is concerned and further as to why additional list/waiting list was prepared since the vacancies were not filled in pursuance of the earlier list available at page 53 of the documents filed today in Court, which only provides 142 applicants/candidates against 168 posts. As an indulgence and last chance matter is adjourned to a date to be fixed after three weeks. In the meantime, the respondents shall keep one post vacant till the outcome of this petition. On the next date representative of respondents/FBR who is fully conversant with the facts shall also be in attendance.

Judge

Judge