

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P No.6694 of 2020

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Order with signature of Judge

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Fresh Case

1. For order on CMA No.3381/21 (fast track)
2. For order on office objection
3. For hearing of main case.

**Dated : 18.03.2021**

Ms. Raana Khan, advocate for petitioner.

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At the outset, we asked the learned counsel to satisfy this Court about the maintainability of this petition on the ground of laches. To reply to the query, it is contended *inter-alia* by learned counsel for the petitioner that petitioner was appointed as Subject Specialist in Education & Literacy Department, Government of Sindh, on ad-hoc basis for six months till such time the recommendation of Sindh Public Service Commission (SPSC) vide notification dated 08.11.1990 (page 83). Per learned counsel, his services were later on regularized and he was subsequently promoted to the post of Subject Specialist (BS-17) with effect from the date of taking over the charge of the post vide notification dated 15.02.1992 (page 93), however, his case was deferred for the post of Headmaster (BPS-17) vide minutes of the meeting of Departmental Promotion Committee held on 16.12.1992 on the premise that his case was not found in order of seniority and also his record was incomplete. Per learned counsel, the petitioner was allowed to move-over to BPS-18 on the premise that he reached the maximum of his pay scale in BPS-17 vide notification dated 25.9.1993 (page 125). He being aggrieved by and dissatisfied with the aforesaid decision filed the review application before the Secretary Education Government of Sindh for promotion for the post of Principal vide letter dated 24.6.1993 (page 133) and he was informed that promotions were made in order of seniority vide letter dated 13.9.1993 (page 149). He moved the departmental appeal to the Chief Secretary, Government of Sindh, with certain grounds that he was fully qualified and fulfilled all the requirements for promotion to a post in BPS-18 with effect from the date of DPC held on 16.12.1992, but to no avail. He preferred Service Appeal No.75/1994 before the learned Sindh Service Tribunal at Karachi, however, he again filed C.P. No.D-3363/2011 before this Court which was transferred to the learned Sindh Service Tribunal at Karachi and was treated as Service Appeal No.123/2015 which was disposed of as not maintainable. Now he has filed this petition on

23.12.2020 with the prayer to direct the respondents to finalize his promotion case in BPS-20 in the light of the order dated 25.5.2015 of the learned Sindh Service Tribunal.

We raised another question to her as to how the petitioner is entitled to proforma promotion. She replied that the petitioner has filed this petition for proforma promotion in BPS-20 in the light of observation of the Hon'ble Supreme Court in the case of Chief Secretary Sindh v. Riaz Ahmed Massan, 2016 SCMR 1784.

We are not satisfied with the assertion of the learned counsel for the petitioner on the subject issue, however, at the request, we provide another chance to the petitioner to come prepared to answer the queries raised.

Re-list after two weeks.

Judge

Judge