

IN THE HIGH COURT OF SINDH, KARACHI

Present

Mr. Justice Irfan Saadat Khan

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No. D –8022 of 2015

Mehmood Khalil Khan and another

Versus

Province of Sindh and 04 others

Date of hearing
& order : 08.04.2021

Syed Abdul Waheed advocate for the petitioners.

ORDER

This petition was disposed of vide order dated 29.08.2016 with direction to the Administrator-KMC to decide the appeal of the petitioner within 02 months, after providing him the opportunity of hearing. On 10.11.2016, the petitioner filed an application under Section 3 & 4 of Contempt of Court Ordinance 2003 against alleged contemnor-DG KDA on the ground that his appeal has not yet been decided, despite numerous reminders, thus contempt proceedings may be initiated against him. Learned counsel also referred to CMA No.2237/2018 and argued that this is a second contempt application filed on behalf of the petitioner for taking action against the alleged contemnor. At this juncture, we asked the learned counsel as to how two contempt applications could be maintained at the same time. He referred to the order dated 13.12.2017 and submitted that his earlier contempt application bearing CMA No.3062/2016 has already been dismissed as having become infructuous; and, he was allowed to file a fresh contempt application. However, he emphasized that his appeal needs to be decided by the respondent-DG about his promotion / up-gradation in BS-16 /17 with retrospective effect, on the premise that he acquired better qualification and experience in the intervening period.

We have heard learned counsel for the petitioner on the listed application. In our view, the grievance of petitioner No.1 has already been redressed which

factum is reflected from the order dated 03.02.2021. However, no compliance in respect of petitioner No.2 has been filed by the respondents. We under the circumstances, direct the competent authority of the respondents to redress his grievances, within two weeks from the date of receipt of this order, after providing him a meaningful hearing. In case of default, contempt proceedings shall be initiated against the delinquent official. Let a copy of this order be communicated to the Director General KDA for compliance.

The listed application is disposed of in the above terms.

JUDGE

JUDGE

Shahzad