Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No.D- 2573 of 2021

Date	Order with Signature of Judge

1. For order on Misc. No.11361/2021 (Urgency).
2. For order on Misc. No.11362/2021 (Exemption).
3. For hearing of main case.

19.04.2021 :

Syed Mehmood Akhtar Naqvi, petitioner in person.

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1. Urgency granted.

2. Exemption granted subject to all just exceptions.

3. It is submitted by the petitioner, who is present in person, that the captioned petition has been filed in the interest of public-at-large; and, just to enforce the judgment passed by the Honourable Supreme Court in *Province of Sindh & others v. Ghulam Fareed & others*, **2014 SCMR 1189**; the private respondent No.6 is holding the additional charge of the post in BPS-20 in Karachi Water & Sewerage Board (KW&SB) on Own Pay Scale (OPS) in violation of Article 199(1)(b)(ii) of the Constitution ; and, he is not qualified and or eligible to hold any post of higher grade that could only be held by the senior officers of the KW&SB, Government of Sindh, in case of the exigency of service, which is lacking in the present case. Through the present petition, the petitioner has impugned notification dated 24.07.2020 whereby private respondent has been posted in BPS-20 mainly on the ground that he is not entitled to hold the higher post under the law, without the approval of the Departmental Promotion Committee, more particularly, the aforesaid assignment given to him is in direct conflict with the law laid down by the Honorable Supreme Court of Pakistan in the case of Ghulam Fareed (supra), and order dated 03.05.2019 passed by this Court in C.P. No.D-1159/2019 *Allah Dino V/S Province of Sindh and others*.

To see as to whether the private respondent is entitled to hold the additional charge of the post of Managing Director, KW&SB under the dicta laid down by the Honourable Supreme Court in the aforesaid case or otherwise issue notice to the respondents as well as to learned Advocate General Sindh with direction to file comments before the next date of hearing i.e. **20.05.2021**. To come along with C.P. No. D-4434/2020.

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Zahid/*