

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.D-4978/2021

Date

Order with signature of Judge

1. For hearing on Misc. No.20403/2021
2. For hearing of main case.

08.09.2021

Mr. M.S. Bukhari advocate for petitioner.
Mr. Ali Safdar Debar, AAG.

.....

Mr. Rehanuddin Golra advocate files Vakalatnama on behalf of respondents No.2 and 3, taken on record.

2. Heard learned counsel for respective parties.

3. Through instant petition, petitioner has challenged recruitment of General Manager (ESG-5) (equivalent to BS-20) while referring paragraph No.2 of recruitment Appointment/Seniority and Promotion Rules, which speak that :-

“It has been decided that the following procedure should be adopted in future:-

i. Where a cadre has definite quotas reserved for departmental promotion and direct recruitment, promotions against the departmental quota should be made first and the posts reserved for direct recruitment filled later. These orders however will have to effect on those cadres where recruitment is made solely by direct recruitment or where all appointments are made only by promotion.

ii.”

According to counsel, department is bound to promote officers working at first instance, thereafter department is competent to fill up remaining 50% quota, through advertisement.

4. In contra counsel for respondents No.2 and 3 contends that exercise with regard to promotion of officers working in different

categories was undertaken in 2015 and all posts were filled up and now department is recruiting directly as prescribed in the Rules and that has been challenged when admittedly that requirement post is of BPS-20 and petitioner is in BPS-19 having acting charge of the post since 2019. According to petitioner, petitioner's promotion will be due after one year.

5. It is pertinent to mention that petitioner is working in BPS-19 and his promotion will be due after one year hence at this juncture questioning direct appointment on BPS-20 cannot be termed justified and legal; hence instant petition is dismissed.

6. At this juncture learned counsel for petitioner contends that after filing this petition, respondents have issued a legal notice and petitioner has apprehension that they will take coercive action against him, to which counsel for respondents undertakes that they will not take coercive action against petitioner due to filing of this petition apart from any independent enquiry.

J U D G E

J U D G E