

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C.P No. D-3278 of 2011 a / w  
CP No. D-1511 of 2015

---

Date Order with signature of Judge

---

**HEARING.**

- 1) For orders on CMA No. 6618/2018.
- 2) For orders on CMA No. 14842/2019.
- 3) For hearing of CMA No. 12047/2019.
- 4) For hearing of Main Case.

**02.11.2022.**

M/s. Farhatullah & M. Ramesh Farhat, Advocate for Petitioner.  
Ms. Shahzana Latif, Assistant Prosecutor General.  
Mr. Ali Safdar Deepar, Assistant Advocate General Sindh.  
Mr. Nadeem Ahmed Qureshi & Dr. Liaquat Ali Abro,  
Law Officers, Law Department, Government of Sindh.

\_\_\_\_\_

The Petitioners had sought the following relief(s):-

- a) To restrain the Respondent No.4 not to advertise for the Posts of District Public Prosecutors and Additional Prosecutor General till the final disposal of instant Petition.
- b) To hold/declare the act of Respondents sending the requisition dated: 27-09 2011 to Respondent No.4 is beyond the law, ultra-vires, of no legal effect and corrum-non-judice
- c) To direct the Respondents to consider the Petitioners for the Posts of District Public Prosecutors and Additional Prosecutor General prior to other new comer through Sindh Public Service Commission and hold the Departmental Promotion Committee/Departmental Selection Board for the promotions of the Petitioners.
- d) To direct the Respondents that the Petitioners may not be transferred from the current position as a punishment in lieu of the filing the present Constitutional Petition, but the Petitioners may be transferred in public interest or in exigency of service only."

It appears that during pendency of these Petitions, the Petitioners have been promoted and they have accepted such promotion. While confronted as to any further adjudication of the matter in hand, learned Counsel for the Petitioners submits that the Petitioners ought to have been promoted since availability of vacancies from 2007; however, on perusal of the prayer clause, it reflects that there is no prayer to such effect; hence it cannot be looked into by this Court. Moreover, the Petitioners have

already accepted their promotion from a subsequent date, therefore, to the extent of these petitions, no cause of action remains pending.

Accordingly, these Petitions have served their purpose and are hereby dismissed as infructuous; however, as to any further grievance, the Petitioners may seek their remedy regarding promotion from the back date as contented by way of any independent remedy as may be available in accordance with law. Office is directed to place copy of this order in above connected Petitions.

**J U D G E**

Arshad/

**J U D G E**