

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-959 / 2022

Date Order with signature of Judge

PRIORITY.

- 1) For orders office objection.
- 2) For hearing of CMA No. 5411/2022.
- 3) For hearing of CMA No. 4360/2022.
- 4) For hearing of main case.

30.08.2022.

Mr. Salahuddin Chandio, Advocate for Petitioners.
Mr. Choudhry Wasim, Assistant Attorney General.
Mr. Ali Safar Deepar, Assistant Advocate General Sindh.
Mr. M. Arshad Khan Tanoli, Advocate for Respondent.

3) It appears that on the very first date, the Petitioners were successful in getting the impugned order dated 31.12.2021 suspended till the next date of hearing, and today we have confronted the Petitioner's Counsel as to whether the Petitioners are aggrieved persons as to the impugned order and he has conceded that the Petitioners are neither aggrieved by that order; nor they were eligible for promotion; however, the impugned order, whereby, certain promotions have made is without lawful authority and is based on some notification which is not in existence.

Be that as it may, since the main relief (regarding the impugned order dated 31.12.2021) which has been claimed in the Petition does not pertain to the interest or otherwise any grievance of the Petitioners, it was not appropriate for the Petitioners to seek suspension of the impugned order, whereas, even otherwise, Petitioners had not joined the aggrieved persons / those who were promoted, initially as Respondents and it is only on the application of that persons that they have been joined as Respondents. Such conduct of the petitioner does not warrant indulgence or exercise of any discretion in its favor as apparently, the Court has been misled with such conduct.

In view of such position, we are of the view that no prima facie case is made out; nor the balance of convenience lies in their favor, whereas, no irreparable loss would be caused to the petitioners, if any injunction is not granted. Accordingly, CMA No. 4360/2022 is hereby dismissed and the ad-interim order passed on 17.02.2022 stands recalled.

1, 2 & 4) Adjourned to a date in office.

J U D G E

J U D G E

Arshad/