

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP. No. D- 2707 of 2019

Date Order with Signature(s) of Judge(s)

Direction

For hearing of CMA No.19900/2022 (Contempt)

09.03.2023

Mr. Abdul Salam Memon, advocate for the petitioner/applicant.
Mr. Abdul Jalil Zubedi, AAG

On 02.04.2021, this petition was disposed of with a direction to the Secretary Law Department, Government of Sindh, to consider the request of the petitioner for the grant of incentive of higher grade based on the time scale in BPS-18 strictly under the law and dicta laid down by the Supreme Court of Pakistan vide judgment dated 12.09.2017 passed in the case of Kaneez Zehra Kazmi.

Learned counsel for the applicant, contended that despite clear directions from this Court, the respondents have failed to consider the case of the petitioner for the grant of incentive of higher grade based on the time scale in BPS-18. Learned counsel submitted that contempt proceedings are required to be initiated against the alleged contemnors under Sections 3 and 4 of the Contempt of Court Ordinance, 2003, read with Article 204 of the Constitution.

Learned AAG has submitted that the order passed by this court has been complied with vide compliance report dated 01.12.2022. Learned AAG has submitted that the case of the petitioner was considered and rejected on the ground that the petitioner was initially appointed as Assistant in 1984, he was allowed Selection Grade in 1990 and then he was promoted to the post of Superintendent in 1996, then he was awarded Selection Grade in 2012 and finally retired from service on attaining the age of superannuation on 31.3.2022. He further submitted that there is no provision under the law to grant him double benefits in the higher grade of BPS-18 and BPS-19. He prayed for vacating the show cause notice against the alleged contemnors.

We have heard learned counsel for the parties on the listed application and perused the material available on record as well as the compliance report submitted thereof.

Since the competent authority has considered the request of the petitioner and regretted it in the light of the opinion of the Finance Department dated 07.3.2016 on the premise that he was already granted Selection Grade BPS-17 with effect from 22.01.2000. Additionally, they opined that there is no provision available in the rules to grant him double benefit in higher grade BPS-18.

We have gone through the summary floated for Chief Minister Sindh and the decision of the competent authority dated 30.11.2022 whereby the request of the petitioner for the grant of incentive of higher grade based on the time scale in BPS-18 was considered and regretted.

In view of the above, we concluded that the order dated 02.04.2021 passed by this Court has been complied with in its letter and spirit, therefore, no further deliberation is required on our part regarding the listed application, therefore, we do not see any substance in the application to dilate upon further, because of the compliance report dated 01.12.2022 submitted by Secretary Law Department, Government of Sindh. However, if the petitioner feels his cause still subsists, he is at liberty to assail the vires of the order passed by the competent authority before the appropriate forum.

The listed application stands dismissed.

JUDGE

JUDGE

Nadir*