

Order Sheet

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 667 of 2023

Date of hearing	Order with signature of Judge
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Fresh case

1. For orders on CMA No.2958/2023 (U/A)
2. For orders on office objections at Flag-A
3. For orders on CMA No.2746/2023 (Ex./A)
4. For hearing of main case

13.04.2023

Mr. Alam Sher Bozdar, Advocate for the petitioner.

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1. Urgency application is granted.

2 to 4. It is alleged that in response to advertisements published in various newspapers dated 20.04.2012, the petitioner applied for the contract post of Primary School Teacher ('P.S.T.') from Union Council Korr Hassan, Naushahro Feroze. He successfully passed N.T.S. test and his name was placed on merit list at serial No.8. He secured highest marks from his Union Council. It is further alleged that the official respondents malafidely shifted Government Primary (Main) Sindhi Boys Elementary Model School, Naushahro Feroze to Union Council Naushahro Feroze, which was in fact located in Union Council Korr Hassan. It is case of the petitioner that some other persons were appointed illegally in G.B.P.S. Naushahro Feroze on 31.12.2014, which in fact came within Union Council Korr Hassan, depriving the petitioner from his legal right; hence, instant petition has been maintained.

Learned Counsel for the petitioner, while addressing the Court on the point of laches involved in this petition, relies upon the case of Siaful Islam versus Federation of Pakistan and others reported as **2006 P L C (C.S.) 1302** and maintains that if the Service Tribunal or Supreme Court decided a point of law relating to the terms of service of a civil servant which

covered not only the case of civil servant who litigated, but also others, the dictates of justice and rule of good governance demand that the benefit of such judgment should also be extended to other civil servants who were not be parties to the litigation. He further maintains that once relief had extended to litigated petitioners in earlier constitutional petitions, petitioner in the subsequent case should legitimately expect that he would be also appointed on the basis of same principle and wait for some time thereafter and it was difficult to asset that petitioner slept over the case and his petition suffered from laches.

Heard, record perused.

It is an admitted position that the appointment on aforementioned post of P.S.T. was on contract basis for the period of three (03) years, which period has long ago expired. The petitioner has maintained this petition after about more than eight (08) years of completing appointment process. The case law cited by the learned Counsel for the petitioner does not attract to the facts of the present case as in the cited case, observation was made by the Division Bench of this Court on appointment of the petitioner on a regular post; besides, the petitioner has failed to place on record any order or judgment of the Supreme Court, High Court or Service Tribunal deciding the point of law which also covers the case of the petitioner and, thus, the benefit thereof may be extended to him. Hence, the case of the petitioner for his appointment on a contract post is distinguishable.

Accordingly, this petition being suffering from laches is **dismissed in limine** along with listed application.

J U D G E

J U D G E

Abdul Basit