

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 371 of 2023

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For orders on office objections at Flag-A
2. For orders on CMA No.6021/2023 (Stay App)
3. For orders on CMA No.1632/2023 (Stay App)
4. For hearing of main case

14.12.2023

Mr. Khan Muhammad Sangi, Advocate for petitioner.
Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh.

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We have heard learned Counsel for petitioner over the question of maintainability, raised in the order dated 20.09.2023, in the backdrop of the fact that he had earlier filed a Constitution Petition No. D-495 of 2022 seeking same relief, which was disposed of vide order dated 14.12.2022, noting a statement of petitioner's Counsel that his application against the order dated 15.12.2020 was pending before respondents No.3 and 5, and it may be directed to be decided. However, when the application was not decided, he filed instant petition. According to learned Counsel, since in the order dated 14.12.2022 no direction was given to respondents or period fixed for deciding the application, hence, he was constrained to file this petition. He further submits that if directions are given to the respondents to decide his applications within a certain time in accordance with law, he would be satisfied and would not press this petition.

Learned AAG has conceded that in the order dated 14.12.2022, no direction was passed by this Court to the respondents to decide the application, and apparently, the petitioner had no other remedy in the face of respondents' refusal to decide the application. He further submits that if directions are passed by this Court to the effect that application of the petitioner be decided in a certain time, he will communicate such order to the respondents, and ensure its compliance within a stipulated period.

Accordingly, in view of above, this constitution petition is disposed of. Respondents No.2 to 5, whoever is concerned and before whom the applications of the petitioner are pending, are directed to decide the applications filed against the order dated 15.12.2020, whereby his promotion was withdrawn, within a period of three (03) months without fail, and submit after which compliance report for a perusal in chamber. Let a copy of this order be communicated to office of learned AAG for onward transmission and ensuring compliance.

The petition stands **disposed of** along with listed applications, in the above terms.

J U D G E

J U D G E

Abdul Basit