

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P.No.D-5802 of 2023

Muhammad Hanif Ansari & others.....v.....Federation of Pakistan & others

Date	Order with Signature of Judge
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Before:-

MR. JUSTICE AQEEL AHMED ABBASI

MR. JUSTICE ABDUL MOBEEN LAKHO

- 1.For orders on Misc.No.27027/2023
- 2.For orders on Misc.No.27028/2023
- 3.For orders on Misc.No.27029/2023
- 4.For hearing of main case.

01.12.2023.

M/s. Shahzeb Akhtar Khan and Khawaja Bilal, Advocates for the Petitioners.

1. Urgency granted.
2. Exemption granted subject to all just exceptions.
- 3-4. After hearing learned counsel for the petitioner at some length and from perusal of the relief sought through instant petition, it appears that the matter is still within the domain of the Worthy Chancellor of Federal Urdu University of Arts, Sciences and Technology (FUUAST), who can take cognizance of the recommendations of H.E.C. with regard to appointments in FUUAST during the year 2021-2022 for posts in BPS-18 to BPS-21, whereas, it has been observed that multiple litigations in the shape of constitutional petitions relating to appointment of even Vice Chancellor of FUUAST is already pending before this Court, therefore, we are not inclined to interfere with the authority of the Worthy Chancellor and President of Islamic Republic of Pakistan at this stage and to multiply already pending litigations before this Court in respect of the affairs of FUUAST. Moreover, there has been no order passed by the competent authority which otherwise could give rise to any cause of action or grievance to be redressed under Article 199 of the Constitution of Islamic Republic of

Pakistan, 1973, therefore, we deem it appropriate to dismiss instant petition in limine.

Accordingly, instant petition being misconceived is dismissed in limine along with listed applications. However, the petitioners are at liberty to approach the Worthy Chancellor of FUUAST for seeking implementation of the recommendations of HEC, who may proceed to decide the fate of such recommendations if there is no legal impediment in this regard, in accordance with law, rules and regulations as may be applicable to the facts of instant case.

Acting Chief Justice

Judge

nasir

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P.No.D-5809 of 2023

Date	Order with Signature of Judge
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1. For orders on Misc.No.27065/2023
2. For orders on Misc.No.27066/2023
3. For orders on Misc.No.27067/2023
4. For hearing of main case.

01.12.2023.

Mr.Ali Asadullah Bullo, Advocate for the Petitioner.

1. Urgency granted.
2. Exemption granted subject to all just exceptions.
- 3-4. Learned counsel for the petitioner submits that petitioner is an officer of SCUG Service (Admin Branch) was working as Director (Sanitation), DMC (West), Karachi was reinstated in pursuant to Court's order passed in C.P.No.D-75/2022, whereafter, the petitioner was given posting vide order dated 12.5.2023 in DMC (West) Karachi against vacant post, however, on 14.06.2023, the petitioner was again posted as Chief Officer, District Council, Matiari, however, the petitioner was again transferred and posted vide order dated 18.07.2023 from District Council Mitiari to Town Committee, Dokri District Larkana, whereas, vide order dated 21.07.2023, the petitioner was again transfer and posted as Council Officer, District Council, Larkano. According to the learned counsel for the petitioner, since the respondents are annoyed in view of filing petition and re-instatement of the petitioner, therefore, the petitioner is

subject to frequent transfers and postings and was eventually transferred once again vide order dated 24.11.2023 and posted as Chief Municipal Officer, Municipal Committee, Khipro District Sanghar, however, such Order on the same date has been recalled/withdrawn and no posting has been given for the reasons that the petitioner has filed contempt application against the respondents as the alleged contemnors were not releasing salary of the petitioner. According to learned counsel for the petitioner, in view of the continuous, illegal and unlawful transfers of the petitioner, the petitioner has approached this Court for redressal of his grievance. In support of his arguments, learned counsel for the petitioner has relied upon the case of *Aneeta Turab reported in PLD 2013 S.C. 195*.

Let pre-admission notice be issued to the respondents as well as A.A.G. to be served through first three modes for 13.12.2023, when reply/comments shall be filed with advance copy to learned counsel for the petitioner. In the meanwhile, operation of the impugned order dated 24.11.2023 shall remain suspended till next date of hearing.

Acting Chief Justice

Judge

nasir

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P.No.D-5818 of 2023

Date	Order with Signature of Judge
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- 1.For orders on Misc.No.27114/2023
- 2.For orders on Misc.No.27115/2023
- 3.For orders on Misc.No.27116/2023
- 4.For hearing of main case.

01.12.2023.

Malik Naeem Iqbal, Advocate for the Petitioner.

1. Urgency granted.
2. Exemption granted subject to all just exceptions.
- 3-4. Through instant petition, the petitioner, who is an employee in BPS-18, as Deputy Director, Directorate of College Education, Karachi against an existing vacancy and was allotted official accommodation vide Office Order dated 21.07.2023 issued by Directorate of College Education, Karachi Region, Karachi, who was duly authorized by the Government of Sindh, College Education Department vide letter dated 19.07.2023 has impugned letter dated 27.11.2023 issued by the Government of Sindh College Education Department addressed to the Regional Director Colleges, Karachi Region, Karachi , whereby, the earlier letter dated 19.07.2023 regarding permission of allotment of residence quarters situated at Khatoon-e-Pakistan, Government College for Women Karachi has been withdrawn, whereas, further directions have been

issued to the Regional Director Colleges, Karachi to cancel the allotment of said residence quarters allotted to employees of Regional Directorate Colleges, Karachi and others with immediate effect and vacate the said residence quarters situated at Khatoon-e-Pakistan, Government College for Women Karachi within 15 days under intimation to the Department. According to learned counsel for the petitioner, neither any reason or ground has been given, while issuing the cancellation letter dated 19.07.2023, nor there is any lawful justification for issuance of directions to cancel the allotment letter, which were otherwise given as per policy and pursuant to authorization and permission given by the then Secretary of the Department. According to learned counsel for the petitioner, the petitioner's wife namely, Mrs.Mahreen Wahid Chaang is also an Assistant Professor in BPS-18 and also entitled for official accommodation, therefore, it has been prayed that either the operation of impugned letter may be suspended or protection may be provided to the petitioner to occupy official accommodation, while issuing directions to the respondents not to cancel such allotment.

Let pre-admission notice be issued to the respondents as well as A.A.G. to be served through first three modes for 14.12.2023, when reply/comments shall be filed with advance copy to learned counsel for the petitioner. In the meanwhile, operation of the impugned letter dated 27.11.2023 to the extent of paragraph 2 shall remain suspended till next date of hearing.

Acting Chief Justice

Judge

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P.No.D-5828 of 2023

Date	Order with Signature of Judge
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Fresh Case:

1. For orders on Misc.No.27157/2023
2. For orders on Misc.No.27158/2023
3. For orders on Misc.No.27159/2023
4. For hearing of main case.

01.12.2023.

Mr.Zulfiqar Ali Domki, Advocate for the Petitioner.

1. Urgency granted
2. Exemption granted subject to all just exceptions.
- 3-4. Through instant petition the petitioner, who claims to have filed instant petition in the public interest has impugned the Notification dated 06-11-2023, whereby, according to learned counsel for the petitioner Mr. Nasimuddin Mirani, an officer of PSS (BS-19) awaiting posting is posted with immediate effect and until further orders as Managing Director (BS-20), Sindh Solid Waste Manager Board (SSWMB), in violation of Section 11 of the Sindh Solid Waste Management Act, 2021, which provides for appointment of Managing Director through competitive process in the following terms:-

“11.(1) There shall be a full-time Managing Director of the Board to be appointed by Chief Minister on such terms and conditions as he may determine.

(2) The Managing Director shall be a person from cadre officers working under the control of Government or from private sector

through a competitive process possessing the requisite qualifications and experience of the post. He shall be paid such salary and allowances as may be determined by Chief Minister but his salary and allowances shall not be varied to his disadvantage during the terms of his office.

(3) The Managing Director shall be an eminent professional of known integrity and competence having experience in human resource development, skill and solid waste management of both public and private sectors, especially in the context of managing human resources, financial management and program implementation in terms of manpower skills and competence.”

According to learned counsel for the petitioner instead of adopting the legal course, respondent No.3 who otherwise does not fulfill the requirements to be appointed as Managing Director (BS-20) has been in fact appointed/posted through impugned Notification as Managing Director on a tenure post of (BPS-20) without following the appointment process under aforesaid provisions of law, therefore, such posting is unlawful.

Similarly, according to learned counsel for the petitioner, posting of Mr. Rehmatullah Shaikh (BS-19), who is an Engineer and does not possess requisite qualification, vide Notification dated 14.11.2023 as Executive Director (Finance), SSWMB on deputation basis for a period of three years, is also illegal, unlawful and in violation of Section 14 (3) of the Sindh Solid Waste Management Act, 2021, which reads as under:-

“14(3) The Executive Directors of the Board shall be appointed by the Chief Minister either from cadre service officers working under the control of Government having relevant professional qualification and experience or from private sector through a competitive process possessing the requisite qualifications and experience of the post.”

It has been prayed that both the impugned Notifications may be declared as illegal and without lawful authority.

Let pre-admission notice be issued to the respondents as well as A.A.G. to be served through first three modes for 14.12.2023, when reply/comments shall be filed with advance copy to learned counsel for

the petitioner. In the meanwhile, status quo shall be maintained in respect of the impugned Notifications till next date of hearing.

Acting Chief Justice

Judge

Nasir/Nadeem