

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1449 of 2015

(Dr. Altaf Hussain Mirani & another versus Province of Sindh & others)

Present:

Mr. Muhammad Iqbal Kalhoro, J.

Mr. Arbab Ali Hakro, J.

Date of hearing : **06.03.2024**

Date of decision : **06.03.2024**

Mr. Nisar Ahmed Bhanbhro, Advocate for petitioners.

Mr. Sarfaraz Ali M. Abbasi, Advocate for respondents No.1 & 2.

Mr. Ali Raza Baloch, Assistant Advocate General Sindh.

ORDER

Muhammad Iqbal Kalhoro, J. – At the very outset, learned Counsel for the petitioners submits that as far as grievance of petitioner No.1 Dr. Altaf Hussain is concerned, it has been resolved, as informed by him on phone.

2. Insofar as case of petitioner No.2 Pervaiz Ahmed is concerned, his post viz. Administrator Officer was upgraded from BPS-17 to BPS-18 on 02.12.2014 in compliance of 24th Syndicate meeting, after he had filed an application for upgrading his post on the basis of a notification dated 04.07.2014, envisaging upgradation of all regular non-teaching / non-gazetted employees of the respondent-University.

3. However, after about five (05) months, the upgradation of petitioner No.2's post was withdrawn on 22.04.2015 without any notice to him to present his case or affording him any opportunity of hearing, which according to learned Counsel for the petitioner has resulted in miscarriage of justice, as the action is against the natural norms. He submits that it is a right of petitioner No.2, to be given a hearing before being adversely adjudicated. To that extent, neither learned Counsel for the University nor AAG Sindh has disputed the case of the petitioner No.2.

4. We, therefore, **dispose of** the petition along with listed application as not pressed to the extent of petitioner No.1 and direct the Syndicate to give a proper notice to petitioner No.2 and afford him a personal hearing, if required, before making any adverse decision including but not limited to withdrawing his upgradation, within a period of three (03) months.

J U D G E

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Abdul Basit