

ORDER SHEET
HIGH COURT OF SINDH, KARACHI
C.P.No. D-1849 of 2013

Ashiq Ali ----- Petitioner

Versus

The Hon'ble High Court
of Sindh through the Registrar
& Others ----- Respondents

Date: Order with signature of Judge

For orders as to maintainability

02.12.2019

Mr. Syed Rafiq-un-Nabi for petitioner
Mr. Shaharyar Mahar AAG
Mr. Imran Ahmed for respondent No.2
.X.X.X.X.

Petitioner has impugned notification dated 09.5.2011 in terms whereof his promotion was affected. He has filed this petition in the year 2013. The prime objection of respondent's Counsel is that it ought to have been filed before the Service Tribunal of this Court. Petitioner's Counsel made a request that this matter be transferred to the Tribunal as it was pending since 2013, which request was reluctantly agreed by the learned Counsel for the respondent No.2. He however raises objection that had it been filed before the Tribunal in the year 2013 it would have been barred by time. He submits that if this question be ordered to be decided by the Tribunal first, they would have no grievance.

Accordingly, by consent, the matter is referred to the Service Tribunal of this Court, however the primary question, before hearing the merits of the case be considered as to whether this petition had it been filed before the Tribunal on 19.4.2013 it would have been barred by time, or if otherwise petitioner is entitled for any indulgence in condonation.

The petition stands disposed of in the above terms.

Judge

Judge