

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 1109 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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03.12.2020

For orders on office objections
For hearing of main case

Petitioner present in person

Mr. Kamaluddin, Advocate for Respondents 2 & 3

Mr. Allah Bachayo Soomro, Addl.A.G.

Petitioner seeks declaration that the failure of Respondents 2 and 3 to grant next higher pay scale (Time Pay Scale) to Petitioner i.e. from BPS-20 to BPS-21 is illegal, unlawful and unconstitutional and that the disparity in the subject notification and the discrimination caused to the Petitioner while considering the Notification dated 2.2.2018 be removed.

2. We have heard the Petitioner and learned counsel and perused the material available on record.

3. The Petitioner was originally appointed in BPS-17 on 7.1.1984 at Mehran University of Engineering, Science and Technology, Jamshoro and was promoted as Student Welfare Officer BPS-18 on 18.10.1987 whereafter his services claimed to have been transferred to Quaid-e-Awam University of Engineering Science and Technology Nawabshah, and there he was promoted as Director Student Affairs BPS-19. He claimed to have applied through an advertisement for the post of Director Student Affairs BPS-20 and on consideration by the Syndicate and the competent authority was appointed as Director Student Affairs (BPS-20) w.e.f. 17.10.2009 thus he claimed that the disputed notification contains a disparity since it does not contain further move-over / time scale promotion to BPS-20 to BPS-21 and hence it has caused discrimination to the Petitioner.

4. The plain reading of the notification does not at all disclose that any discrimination was caused to the Petitioner. Discrimination could only be exercised “within a class” and the Petitioner has not demonstrated if his class of employees i.e. BPS-21 officers were moved over in time scale promotion

despite he being senior or competent and suitable. BPS-20 and BPS-21 are the posts of a direct Recruitment and consequently, he has applied for Grade 20 and he was appointed. Similarly there is no direct way of moving over or time scale promotion to BPS-20 as it was also a direct appointment / recruitment. This policy for direct appointment of BPS-20 & BPS-21 is followed by almost all the universities. This policy is framed by the University and we do not feel it fit and proper to intervene in the subject, while there is no discrimination as far as the class of petitioner is concerned i.e. BPS-20 and consequently there is no disparity as alleged. This being the position we dismissed this Petition by a short order dated 3.12.2020 and these are the reasons for the same.

JUDGE

JUDGE

karar_hussain/PS*