

IN THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Abdul Mubeen Lakho

C.P. No. D-4934 of 2023

[Riaz Ahmed Jalbani & others v. Province of Sindh & others]

1. For orders on office objection.
2. For hearing of CMA No. 22582 of 2023.
3. For hearing of main case

Petitioners : Riaz Ahmed Jalbani & 02 others
through Mr. Ali Asadullah Bullo,
Advocate.

Respondents : Province of Sindh & 02 others
through Mr. Suresh Kumar,
Additional Advocate General, Sindh.

Date of hearing : 17-10-2024

Date of decision : 17-10-2024

ORDER

Adnan Iqbal Chaudhry J. - The grievance of the Petitioners is that even though they were cleared for promotion vide D.P.C. held on 30.11.2022, from Assistant Excise & Taxation Officer (BS-16) to Excise & Taxation Officer (BS-17), but the appointing authority has with-held the order of promotion. As per Additional Advocate General Sindh, such order is with-held in view of Notification dated 20.09.2023, which is to the following effect:-

“NOTIFICATION

NO:SO(ADMN-I)ET&NC/4(330)/2023:- In pursuance of Orders of Hon’ble High Court of Sindh at Karachi dated 14.09.2023, passed in Constitution Petition Nos.D-296/2023, 7928, 7929, 7930 & 7931/2022, this department’s notification regarding issuance of final Seniority List of Assistant Excise & Taxation Officers (BS-16) ET&NCD bearing No.SO(Admn-I) ET&NC/5(30/2021 dated 16.11.2022, is hereby cancelled/withdrawn.

ATIF REHMAN
SECRETARY TO GOVERNMENT OF SINDH”

As pointed out by learned counsel for the Petitioners, the same ground taken by the same Respondents has been rejected by a

learned Division Bench of this Court in C.P.No.D-6195/2023 while allowing a petition by a colleague of the present Petitioners. There, it has been held that the aforesaid notification and the constitution petitions referred to therein have no bearing on the D.P.C. dated 30.11.2022. In such circumstances, the instant petition too is allowed. The recommendations of the D.P.C. dated 30.11.2022 to the extent of the Petitioners shall be placed before the appointing authority under the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974 for issuing appropriate orders within three weeks. Petition disposed of.

JUDGE

JUDGE

*PA/SADAM