

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C. P. No.D-967 of 2013.

DATE OF HEARING 07.08.2013.	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
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1. For Katcha Peshi.
2. For hearing of M. A. No.4560/2013.

Mr. Inayatullah G. Morio, advocate for the petitioner.

Mr. Naimatullah Bhurgri, State Counsel.

Through this Constitutional Petition filed on 05.8.2013
petitioner seeks following reliefs :-

- a) *To declare that inclusion of the name of petitioner in notification of dated 18.6.2013, and 24.7.2013, is illegal as petitioner neither has been posted against a senior post or on OPS nor is on deputation.*
- b) *To declare that the orders issued by the respondents No.3 and 4, regarding posting of the petitioner vide dated 16.7.2013, and 31.7.2013, are without lawful authority and beyond their competence and be further pleased to declare that respondent No.4, is not competent to sit over the order of Honourable Supreme Court and can post an Agriculture Instructor of BPS-16, against the post of BPS-18, even on look after basis particularly when BPS-18 officers are available in the district.*
- c) *Award costs to the petitioner.*
- d) *Any other relief which this Honourable Court deems fit and proper in the circumstances may also be granted to the petitioner.*

2. It is the case of the petitioner that he is serving as Assistant Professor with the respondents. He was posted as Assistant Professor (BPS-18) in Govt. Girls Degree College, Larkana, wherefrom he was transferred and posted as Assistant District Officer Education, Male vide notification dated 03.6.2009. After the judgment of the Honourable Supreme Court the respondents No.1 and 2 issued notification dated 24.4.2013, whereby officers working on OPS were directed to report to the Education and Literacy Department. On 18.6.2013 respondent No.1 issued another notification, in which officers in BPS-18 belonging to college side presently working as Assistant District Officer of School Administration side were transferred and posted to their original post. In the said notification it is stated that name of petitioner has been

mentioned at serial No.6 and he was posted at Govt. Degree Boys College, Mirokhan. Subsequently, another notification dated 24.7.2013 was also issued. It is stated that some interested persons got entered the name of petitioner at serial No.28 malafidely, though the case of the petitioner did not fall within the category as mentioned in notification dated 24.7.2013. In para No.9 it is stated that petitioner is not deputationist, inclusion of his name in the notifications dated 18.6.2013 and 24.7.2013 was with malafide intention and orders issued by respondents No.3 and 4 are without lawful authority.

3. Notices were issued to the respondents as well as Addl. A. G.

4. Upon careful scrutiny of material/notifications placed on record and close assessment of respective contentions of the Counsel of the parties, we have come to the conclusion that impugned notifications have been issued by Govt. of Sindh in strict compliance of the orders of the Honourable Supreme Court passed in Criminal Original Petition No.89 of 2011, Criminal Miscellaneous Application No.56-K of 2012 and Criminal Original Application No.89 of 2011 etc decided on 9th May, 2013. This Court in exercise of its constitutional jurisdiction cannot pass orders in respect of impugned notifications in favour of petitioner, which show that same were apparently issued by Govt. of Sindh in strict compliance of the orders of the Honourable Supreme Court.

5. For the above stated facts, circumstances and law enunciated by Honourable Supreme Court in above referred Judgments instant petition is not maintainable, the same is dismissed alongwith listed application. These are the reasons for our short order announced by us today morning.

JUDGE

JUDGE