

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Constitutional Petition No.D-811 of 2017

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For hearing of office objections
2. For hearing of M. A. No.5865/2017.
3. For hearing of main case.

28.9.2017

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**Mr. Ather Abbas Solongi Advocate for Petitioner
Mr. Shafi Chandio AAG along with Abdul Qadir Sangi
XEN Highways Kamber Shahdatkot.**

Through this petition, the petitioner has impugned order dated 18.9.2017 whereby some other person has been directed to look after the work previously assigned to the petitioner

Learned Counsel for the petitioner submits that the impugned order has been passed in a manner which reflects that some orders were passed by a Division Bench at Principal Seat in CP No. 7514/2015 on 4.2.2016, necessitating the transfer of another person in his place, whereas, in fact the said petition was dismissed and it was only the contention of one of the parties which was recorded in the said order and is being misinterpreted by the Respondents. Therefore per learned Counsel the order dated 18.9.2017 has been passed without any lawful authority and may be set aside and petitioner be allowed to work on his assignment already given to him.

Comments have been filed and the contention of the petitioner has been denied and it has been stated that the person who has now been assigned the Job of Tender Clerk is of Grade-14, whereas, the petitioner is in Grade-07, whereas, the it is only a routine order and has not been passed on the basis of any directions of the Court as alleged.

We have heard the learned Counsel and perused the record and to us it appears that instant petition is misconceived, as the operating part of the order dated 18.9.2017 does not reflect that it has been passed pursuant to any order passed in CP No.7514/2015, nor it appears to be a case of any interpretation or misinterpretation as alleged. Merely for the fact that copy of this order has been sent to someone in response to a complaint made with reference to any order of the Bench at Principal Seat would not *ipso facto* term the order so as to have been passed on such basis. It is only a routine posting

order and admittedly a more qualified person has been assigned the job of Tender Clerk who is in Grade-14 as compared to the petitioner who is in Grade 07. No other ground has been urged on behalf of the petitioner.

In view of such position we are of the view that instant petition is misconceived and has no basis so as to compel us to exercise any discretion and accordingly the same is dismissed with pending application.

JUDGE