

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-2309 of 2022

(Ahmed Ramzani v Province of Sindh & others)

CP. No. D-503 of 2022

(Syed Ali Raza v Province of Sindh & others)

| Date | Order with signature of Judge |
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Before:

Mr. Justice Muhammad Karim Khan Agha

Mr. Justice Adnan-ul-Karim Memon

Date of hearing and Order: 29.08.2025

Mr. Ali Asadullah Bullo advocate for the petitioner

Mr. Sandeep Malani, Assistant Advocate General

ORDER

Adnan-ul-Karim Memon, J: Through the instant petition, petitioners have prayed as under: -

1. Declare that the Impugned order dated 12.04.2021 as illegal, violative of the Sindh Local Government Ordinance, 1979, and in direct conflict with the Constitution of the Islamic Republic of Pakistan, 1973, and set aside the same.
2. Direct the respondents to release the salary of BS-18 from the date of issuance of the impugned order dated 12.04.2021 till posting to the office of BS-18, along with interest.
3. Direct the respondents not to take any adverse action against the petitioner, and should conduct themselves strictly in accordance with the law.

4. Any other relief (s) this Court may deem fit in the given circumstances and in the great interest of justice.

2. Petitioners have impugned the vires of the office order dated 12.04.2021 issued by the Sindh Local Government Board, whereby his merger in SCUG service has been withdrawn and repatriated in lower grade i.e., BS-11, 15 and 16 in Sindh Local Government Board after a considerable period.

3. It is contended by the learned counsel that petitioners working on administrative post in BPS-18 in SCUG service, Local Government Department, Sindh Local Government Board. However, they have been abruptly demoted to lower grade without holding the regular inquiry, thus the respondents have violated Article 10-A of the Constitution. Learned counsel for the petitioners has prayed for notice. The petitioners' counsel further argued that the petitioners are employees of the Sindh Local Government Board, which was merged into the Sindh Councils Unified Grade (SCUG) Service via a 2000 notification. The counsel states that this was done because the Sindh Civil Servants Act and Rules did not apply to the board's staff. Following this merger, the petitioners were promoted multiple times based on training, merit, and seniority: from BS-11 to BS-16 in 2006, to BS-17 in 2009, and to BS-18 in 2016. The counsel claims

that despite these promotions, Respondent No.2 maliciously issued an order on April 12, 2021, to relieve the petitioners and repatriate them to the post of Assistant, using a Supreme Court judgment as a pretext.

4. Learned Assistant Advocate General has contended that the order dated 16.10.1978 indicates that the rules applicable to sub-ordinate staff of Sindh Secretariat shall apply to Non- Local Council Service staff and officer of Local Government Board, subject to modification as may be deemed necessary by the Local Government Board from time to time provided that the following posts in the Board shall be filled by promotion and initial recruitment in rules of 50:50. He has further contended that as the petitioners were merged / absorbed in SCUG Service without any backing of law and they were repatriated to their parent post on which they were temporary appointed in compliance of order passed by Supreme Court passed in Criminal Original petition No.89 of 2011. He has further added that the merger of petitioners along with others in SCUG Service, itself taken without adopting the due process, without observing the legal positions, without covering any rule, however, there was no indication of any supporting rule available on record to consider the petitioners. He lastly prayed for dismissal of the instant petitions.

5. We have heard the counsel for the parties and perused the record with their assistance.

6. *Ali Azhar Khan Baloch v. Province of Sindh* (2015 SCMR 456): This is a landmark case. In this judgment, the Supreme Court of Pakistan addressed issues of irregular appointments, promotions, and transfers of civil servants and local government employees in Sindh. The Supreme Court's decision led to the de-notification and repatriation of numerous employees who had been absorbed or promoted through processes that were deemed illegal or unconstitutional. Subsequent this Court and Supreme Court judgments have referenced this case to dismiss petitions where employees challenged their de-notification, stating that the action was a lawful consequence of the Supreme Court's findings in the *Ali Azhar Khan Baloch* case. The principle derived from this and related cases is that once a public authority de-notifies an employee in compliance with a Supreme Court judgment, a High Court should not interfere with that decision under Article 199 of the constitution. Any grievance must be addressed to the Supreme Court itself through a review petition. *Muhammad Hussain Munir v. Sikandar* (PLD 1974 SC 139). This is a foundational case that outlines the scope of the High Court's constitutional jurisdiction. It established that the High Court, in its constitutional jurisdiction, does not act as a court of appeal. It can only interfere if the

impugned order suffers from a jurisdictional defect or is a nullity in the eyes of the law. An order issued in compliance with a Supreme Court judgment, by definition, does not suffer from such a defect. Utility Stores Corporation of Pakistan Limited v. Muhammad Anwar (2001 SCMR 338). While this case deals with labor law, it reinforces the broader principle that a court can intervene when a lower forum has acted without or in excess of jurisdiction, or has failed to exercise a jurisdiction vested in it. However, this principle is inoperative when the High Court is asked to override an order that is itself a direct consequence of a Supreme Court's authoritative decision.

7. It appears from the record that in response to a Supreme Court of Pakistan judgment on June 12, 2013, the Sindh Local Government Board issued a notification on July 2, 2013, to reverse the absorption of several officers into the SCUG service. This decision was based on the Supreme Court order from Criminal Original Petition No.89/2011. As a result, vide impugned Notification dated 12.4.2021, the following six officers, including the petitioners in both petitions, were removed from their current SCUG positions and reverted to their original, lower-level grades within the Sindh Local Government Board:

Mr. Ahmed Ramzani (BPS-18/SCUG) was reverted to Assistant (BPS-11).

Mr. Javed Pervaiz (BPS-17/SCUG) was reverted to Stenographer (BPS-15).

Mr. Syed Ali Raza (BPS-19/SCUG) was reverted to Stenographer (BPS-16).

Mrs. Nusrat Imran (BPS-18/SCUG) was reverted to Assistant (BPS-11).

Mr. Muhammad Ayoub (BPS-18/SCUG) was reverted to Assistant (BPS-11).

Mr. Zahid Ali (BPS-16/SCUG) was reverted to Assistant (BPS-11).

8. After the Sindh local government department de-notified the petitioners in compliance with the Supreme Court's decision, this court would not intervene under Article 199 of the Constitution. Besides similar case is already before the Supreme Court.

9. In principle, the High Court's jurisdiction is supervisory, not appellate, and it must respect the finality and binding nature of a Supreme Court judgment. The petitioners to approach the appropriate forum for their grievance, which is the Supreme Court itself, as a similar matter is already being handled there, in such circumstances, the order dated

07.8.2025 passed in C.P No.503 of 2022 is recalled, consequently, both petitions and all pending applications are dismissed, without dilating upon the merits of the case.

JUDGE

Head of the Const. Benches

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