

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
C.P No. D-200 of 2024

[*Bheerji v. Federation of Pakistan and 05 others*]

DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S)

1. For orders on M.A No.3020/2025 (Exemption)
2. For orders hearing of M.A No.3021/2025 (Contempt)

21.01.2026

Petitioner Bheerji in person

Mr.Asif Iqbal, Advocate for Respondents No.2 to 4 a/w Amjad Khan Sabir, Manager (HRD) ODGCL, Islamabad

Mr.Muhammad Sabir, Assistant Attorney General for Pakistan

Mr.Muhammad Sharif Solangi, Assistant A.G Sindh

Through the listed application (M.A No.3021/2025), the applicant seeks initiation of contempt proceedings under Article 204 of the Constitution, alleging non-compliance with the Order dated 24.11.2021, passed by this Court in C.P. No. D-692 of 2017, as further examined by this Court in its Order dated 04.06.2024.

2. Heard arguments and perused the record. The operative portion of the Order dated 24.11.2021 required the competent authority of OGDCL to consider the applicant's case for promotion with effect from 2010 and further directed that he shall not be non-suited merely on account of average ACRs. The Order did not command that the applicant be promoted, nor did it create any vested or automatic right of elevation. The direction was confined to consideration on merits.

3. The compliance report placed before this Court reflects that the applicant's case was considered by the Departmental Promotion Committee on 01.07.2024 and again on 01.12.2024 and that he did not meet the prescribed benchmark under the applicable promotion criteria. Whether the assessment was correct, fair, or otherwise is not a matter that can be adjudicated within the narrow contours of contempt jurisdiction.

4. It is a settled principle that where an order merely requires an authority to "consider" a matter, compliance is achieved once such consideration is undertaken. Contempt does not lie to compel a particular

outcome, nor can this Court, in contempt proceedings, sit in appellate review over the merits of an administrative evaluation. The jurisdiction under Article 204 is penal in nature and cannot be invoked to enforce disputed rights or to secure a substantive relief which the original Order did not grant.

5. The applicant's grievance pertains to the correctness of the evaluation undertaken by the DPC. Such a grievance, even if genuine, falls within the realm of an independent cause of action and not within the punitive ambit of contempt. The record does not demonstrate any wilful, deliberate or contumacious disobedience of the Court's earlier directions.

6. In view of the above, we are satisfied that the respondents have, at least formally, complied with the limited direction issued vide Order dated 24.11.2021. No case for initiating contempt proceedings is made out; therefore, the listed contempt application is **dismissed**, leaving the applicant/petitioner at liberty to avail any appropriate remedy in accordance with law, should he be aggrieved by the merits of the departmental decision.

JUDGE

JUDGE

AHSAN K. ABRO