

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE MAQBOOL BAQAR
MR. JUSTICE MUHAMMAD ALI MAZHAR

CRIMINAL ORIGINAL PETITION NO.3-K OF 2021

Contempt matter/non-compliance of the Court's order

Khalid Siddiqui

...Petitioner(s)

VERSUS

Kamran Ali Afzal & others

...Respondent(s)

For the Petitioner(s): In Person

For the Respondent(s) Mr. Muhammad Nishat Warsi, DAG

Date of Hearing: 23.12.2021

ORDER

Heard and perused the relevant record. This Court has, through its order dated 22.12.2012, while observing that the petitioner is entitled to be considered for promotion in terms of FR-17(1), Part-IV Clause 6(a)(i) and his case is thus required to be considered by the Central Selection Board (CSB), directed that the CSB should undertake such exercise and decide the case in accordance with law, disposed of the petition filed by the petitioner. However, since the order was not complied with, the petitioner was constrained to file the instant Criminal Original Petition. In reply thereto the respondents have filed a report, which reveals that the promotion as sought by the petitioner was recommended by the CSB and was forwarded to FR-17(1) Committee for considering the grant of promotion to the petitioner. Such recommendation was approved by the Prime Minister through O.M. dated 27.06.2019, and the matter was then placed before the Junior Level Committee FR-17(1) on 21.10.2020. The Junior

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Level Committee recommended the case to be submitted before the High Level Committee for final consideration. The High Level Committee, however, declined the promotion sought on the following ground:

- "a) Promotion case of Mr. Khalid Siddique was sent to former Statistics Division on 5th July, 2012, for placing before CSB. However, the meeting of CSB was not held. Subsequently he superannuated on 18.09.2012.
- b) Non-convening of CSB after occurrence of vacancy does not constitute wrongful prevention.

In the light of above observations, the high level committee on FR-17(1) does not recommend Mr. Khalid Siddique for promotion in BS-20 as Deputy Director General"

2. However, the said reasons/grounds seem to be in conflict with FR-17(1) particularly with its proviso. Mr. Muhammad Nishat Warsi, learned Deputy Attorney General requests for time to further examine the case, and seek instructions from the respondents. To come up in the beginning of the next session.

ISLAMABAD
23rd December, 2021
Mudassar/

Judge

Judge