



# TRANSPARENCY INTERNATIONAL-PAKISTAN

Ref: A108ZINC /1010(1)

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21st August 2013

Subject: Complaint against KW&SB for not implementing orders of the Honorable Supreme Court of Pakistan in the matters of Seniority and Promotion

Dear Sir,

TI Pakistan has received a joint complaint from the employees of KW&SB Mr. Agha Ahmed Ali Durrani (S.E. offtg. Baldia Town), Mr. Mateen Qureshi (A.E.E. Bin Qasim Town), Mr. S. Sabihuddin Husaini (E.E. offtg. W.M.D-I MCC) and Mr. Mujeebul Hasan (E.E. offtg. W.M.D. -V MCC) against KW&SB for not implementing the orders of Honorable Supreme Court of Pakistan and the directions of other competent authorities for the matter of their seniority and promotion and allowing them financial and retrospective benefits from the date of passing B.Tech (Hons.) as per the judgment of the Supreme Court of Pakistan. The complaint along with annexures is attached for your ready reference and is self-explanatory.

The complainants allege that they are entitled the financial and retrospective benefits from the date of awarding of their B.Tech (Hons.) degrees as per the judgment of the Honorable Supreme Court of Pakistan. The Honorable Court in Civil Appeal No. 241/2011 Dated 11-08-2011 verdicts that:

*“In view of the above facts the appeal is allowed and the Appellant will be deemed to have been promoted as A.D.E. (B-17) with effect from the date of qualifying degree of B.Tech. (Hons.). The seniority list of ADE should be corrected. Appellant’s subsequent promotion will be governed as per rules.” (Annexure-E)*

The Regulation Wing SGA&CD after consultation with the Law Department advised to implement the decision of the Honorable Supreme Court in the subject matter in its letter dated 10<sup>th</sup> October 2012:

*“The apex court judgment is law binding on all concerned in identical cases. It is the lower courts judgments, which do not enjoy such authority, as they bind only the parties in whose case they are delivered. Mr. Mateen Querishi is therefore entitled to receive the benefits of Supreme Court decision being identical in nature.” (Annexure-A)*

On 12<sup>th</sup> February 2013, the Regulation Wing of the Local Govt. in consultation with Law Department again advised to implement the decision of the Honorable Court in its letter and spirit. The same advice was forwarded by the Local Government Department, Govt. of