

No.1/59/2013-Lit-IV

Islamabad, dated 18th September, 2015

OFFICE MEMORANDUM

Subject: STREAMLINING OF SERVICE STRUCTURE OF CIVIL SERVANTS IN LINE WITH THE PRINCIPLES LAID DOWN BY THE SUPREME COURT OF PAKISTAN IN ITS JUDGMENT DATED 12TH JUNE 2013 IN CRIMINAL ORIGINAL PETITION NO. 89/2011 [2013-SCMR-1752]

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The undersigned is directed to state that the Supreme Court of Pakistan in its judgment dated 12th June, 2013 pronounced in Criminal Original Petition No. 89/ 2011 [2013-SCMR-1752] has declared certain laws of Government of Sindh *ultra vires* the Constitution, whereby absorptions and out of turn promotions with back dated seniority to certain employees has been validated. The said laws granted cover to certain employees/ civil servants who were absorbed since 1994. Accordingly, Government of Sindh has given effect to findings of Supreme Court since 1994.

2. The Supreme Court of Pakistan has also directed to the Secretary, Establishment Division, Government of Pakistan, to streamline service structure of civil servants in line with the principles laid down in the said judgment. Establishment Division issued office memorandums of even number dated 31st January, 2014 and 25th February, 2014 with a view to make it convenient for all concerned to implement the said judgment. In these office memorandums, selected parts of the judgment were reproduced verbatim. This went contrary to established principles of reading the law as a whole and created ample room for misinterpretations. The aforesaid scenario was brought to the notice of the Prime Minister through Ministry of Law, Justice and Human Rights. While taking serious note of the aforesaid situation, it has been observed by the Prime Minister that under Article 189 and 190 of the Constitution of Islamic Republic of Pakistan, 1973, every judgment of the Supreme Court of Pakistan is binding upon the executive. Therefore, practice of circulating judgments in bits and pieces should be discontinued in future.

3. In view of above, Establishment Division's Office Memorandums of even number dated 31st January, 2014 and 25th February, 2014 may be treated as withdrawn ab initio.



(Syed Ali Shahbaz Kirmani)
Section Officer (Lit-IV)

The Secretaries/ Additional Secretaries (Incharge)
All Ministries/ Divisions, Government of Pakistan,
Islamabad/ Rawalpindi