

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-6052 of 2024
(Ghulam Fakhruddin v Province of Sindh & others)

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order 07.08.2025

Mr. Sha-un-Nabi advocate for the petitioner
Mr. Malik Altaf Hussain, advocate for KMC
Ms. Farkhunda Jabeen for the proposed intervener
Mr. Ali Safdar Depar, AAG

ORDER

Adnan-ul-Karim Memon, J: The petitioner requests this Court to:-

- 1. Declare that the petitioner is entitled for promotion to the post of Chief Fire Officer, in view of seniority, qualification, experience, unblemished record, approval of the Mayor/Municipal Commissioner KMC Karachi and departmental policy the denial of such right is malafide, illegal, unfair in violation of fundamental right and against principles of natural justice.*
- 2. To direct the respondent to consider the case of the petitioner for promotion in the light of the approval of the Mayor/Municipal Commissioner Karachi and under CR No. 460 dated 27.06.1989, and seniority/selection.*
- 3. To direct the respondent to cancel/withdraw the posting order of Respondent No. 04 dated 08.11.2024.*

2. The petitioner, who has served for 34 years in the Fire Department, KMC, is seeking a promotion to Chief Fire Officer (BPS-18). He joined the department in 1990 as a Sub Fire Officer (BPS-8) and is currently a Station Officer (BPS-17). He claims to be the most senior and qualified candidate for the position, meeting all the requirements outlined in the 1989 rules, including having a B.Sc. degree and various advanced firefighting courses. The petitioner's name is at serial number 6 on the seniority list, with the first four officers having already retired, making him the most senior eligible candidate. Despite having the support of the Deputy Director of the Fire Brigade and the Mayor of Karachi, who approved his case, the promotion has not been formally notified. The petitioner alleges that a less qualified individual, Respondent No. 4, was unlawfully transferred from another department to the fire section to fill the position, which is a violation of the rules. The petitioner, having served a legal notice without a response, is now asking the court to intervene and order his promotion. The counsel for the petitioner argues that the respondents' actions are illegal, a breach of natural justice, and a violation of his fundamental rights. The petitioner's counsel argues that the petitioner's career has seen several upgrades and promotions, and his name

is now at the top of the seniority list for the vacant BPS-18 position. Although the Mayor of Karachi approved the promotion, it has not been officially notified. The counsel requests that the court grant the petition.

3. The learned Assistant Advocate General (AAG), assisted by the counsel for the KMC, opposed the petition without submitting written comments.

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

5. The controversy with regard to promotion of the petitioner as Chief Fire Officer as per council Resolution No. 460 in which the criteria and qualification for the post of Chief Fire Officer is provided. However petitioner claims to have been recommended by the competent authority as CFO, but respondent No.4 has been allowed to look after work to the post of Chief Fire Officer, Fire Brigade department, KMC in addition to his own duty till posting of regular incumbent.

6. In view of the above facts and circumstances of the case, the competent authority/Mayer KMC, Karachi is directed to look into the service profile of the petitioner and if he finds the petitioner to be eligible and fit person for promotion to the post of Chief Fire Officer, Fire Brigade department KMC, he be considered along with all others eligible candidates for promotion under the law and decision be made within three months after hearing all concerned. This petition stands disposed of in the above terms.

JUDGE

Head of Constitutional Benches