

IN THE HIGH COURT OF SINDH AT KARACHI  
CP. No. D-8200 of 2022  
(*Dr. Saeeduddin v Province of Sindh & others*)

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

**Date of hearing and Order: 26.08.2025**

Mr. R. B. Qureshi advocate for the petitioner.  
Mr. Ali Safdar Depar, Assistant Advocate General

**ORDER**

**Adnan-ul-Karim Memon, J:** The Petitioner prays as follows:-

1. To direct the respondents to process the case of the petitioner to award of BPS-21, which has been illegally jammed by the Respondents.
  2. To declare that the petitioner is legally and lawfully entitled to avail the benefits of BPS-21 on an Honorary basis.
  3. To restrain/refrain the Respondents from taking any coercive action/ measures against the petitioner.
  4. Any other relief this court deems fit and proper under the circumstances, in the larger interest of the public at large.
2. Dr. Saeeduddin, a retired Chemistry Professor (BS-20), has requested for proforma promotion/ an honorary award of BS-21. Petitioner was appointed as a Lecturer in Chemistry (BS-17) on September 21, 1988. He was subsequently promoted through SPSC to BS-18, BS-19, and BS-20, a position he has held since 2007. He completed his Ph.D. in 1996 and has 26 research publications to his name. He has also participated in numerous national and international workshops, seminars, and symposiums. Petitioner retired from government service on January 31, 2020, upon reaching the age of 60. His request for his promotion to BS-21 was forwarded to SGA&CD for further action vide letter dated 9.3.2022. However, SGA&CD vide letter dated 29.4.2022 regretted on the analogy that it is not covered under the rules.
3. The petitioner's counsel stated that the petitioner, a highly qualified government official, was appointed as a Lecturer of Chemistry in 1988 (BS-17) and later promoted to BS-20 in 2007, where he remained until retirement. The petitioner served his entire career in the education sector and had previously requested an honorary promotion to BS-21, which was supported by respondent No. 3. The counsel requested that the petition be allowed.
4. Learned AAG has opposed granting the instant petition and submitted that the petitioner's request for a promotion to BS-21 is unlawful and unconstitutional. He submitted that the rules governing college teachers' service structure only allow a four-tier formula: Lecturer (BS-17), Assistant Professor (BS-18),

Associate Professor (BS-19), and Professor (BS-20). The petitioner already retired from the highest available tier, Professor (BS-20), on January 31, 2020. There is no provision in the rules for a fifth tier or a promotion to BS-21. Therefore, the demand is considered to be without merit, and it is requested that the petition be dismissed.

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

7. The service structure for college teachers in Sindh is based on a fixed four-tier system. Lecturer (BS-17), Assistant Professor (BS-18), Associate Professor (BS-19), and Professor (BS-20). This structure is explicitly mentioned as the "last/apex tier" of the service. There is no provision in the rules for a "5th Tier of the Service Structure of College Teachers" or for the "award of BPS-21." The petitioner in the case had already reached the highest possible rank, Professor (BS-20), and retired from that position. The legal response emphasizes that he had "qualified the superannuation in the last/apex tier." While promotions to BS-21 exist within the Sindh government, they appear to be for different civil service cadres, not for college teachers. The "Civil Servants Promotion (BPS-18 to BPS-21) Rules, 2019" provides promotions up to BS-21, but the college teachers' service structure does not include this rank. While BS-21 is a recognized pay scale in the civil service, it is not part of the career progression for college teachers under the existing recruitment rules.

8. This Court has, in some cases, granted "pro forma promotion" to retired civil servants. However, these are typically granted when an officer was eligible for a promotion during his/her service but was unfairly denied it due to administrative delays or oversight. The purpose is to correct the record and adjust pensionary benefits, not to create a new pay scale. In the case of Dr. Saeeduddin, the core issue is not about being denied a promotion to a higher tier that existed during his service, but about the creation of a new, non-existent tier (BS-21) for his specific cadre.

9. The courts generally hold that appointments, promotions, and transfers must be made in strict accordance with the law and established rules. The power to create new posts or change promotion criteria rests with the government's rule-making authority, not with the courts. This Court is of the view that such a petition is considered "devoid of merit" when it seeks something not provided for in the existing rules. The petitioner's demand for proforma promotion in BS-21 promotion is not supported by the rules. Consequently, this petition is dismissed.

JUDGE

Head of the Const. Benches

Shafi