

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-4676 of 2022
(Muhammad Ilyas Laghari v Province of Sindh & others)

Date	Order with signature of Judge(s)
------	----------------------------------

Before:
Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order 26.08.2025

Petitioner present in person.
Mr. Ali Safdar Depar, AAG

ORDER

Adnan-ul-Karim Memon, J: The petitioner requests this court to direct the Respondents to promote him in BPS-20 from the date he deserves, as a proforma promotion, since he stood retired from government service on March 1, 2021.

2. Dr. Muhammad Ilyas Laghari, a retired Additional Medical Superintendent (BS-19), has filed a constitutional petition requesting a pro forma promotion to BS-20. The petitioner was promoted to BS-19 on March 28, 2018, and his name appeared at seniority number 549 on the final seniority list issued on May 13, 2019. A working paper for the promotion of 200 doctors to BS-20 was forwarded to the Provincial Selection Board (PSB) No. 1. PSB No. 1 met on July 18, 2020, and cleared 155 doctors for promotion. The last doctor promoted was at seniority number 364. The petitioner, with a seniority number of 549, retired from government service on March 1, 2021.

3. The petitioner, who is present in person, submitted that he was appointed to the Health Department on an ad hoc basis in 1990, was commissioned in March 1992. He retired from government service while working as an Additional Medical Superintendent in BPS-19. He states that he received his first promotion to BPS-18 around 2010 after approximately 20 years of service. His second promotion, to BPS-19, occurred in 2018, when he began working as an Additional Medical Superintendent. The petitioner requests that this court allow his petition.

4. The learned Assistant Advocate General (AAG) argued that PSB No. 1 met on July 18, 2020, and cleared 155 doctors for promotion. The last doctor promoted was at seniority number 364. The petitioner, with a seniority number of 549, retired from government service on March 1, 2021. He added that the petitioner has no guaranteed right to further

promotion as the petitioner's case is hit by the judgment passed by the Supreme Court. Based on these facts, he argued that the petition is without merit and may be dismissed.

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

6. Pro forma promotion is a retrospective elevation in rank and salary for employees who were eligible for promotion but were overlooked due to no fault of their own. It is not a "regular" promotion but a remedy to correct an injustice and compensate a civil servant for the loss of rank and financial benefits they would have received had the promotion been timely. The Supreme Court of Pakistan has repeatedly affirmed that pro forma promotion is a legal right for civil servants in these circumstances. The petitioner's submissions for a pro forma promotion to BS-20 is based on the idea that he was eligible for promotion when the PSB meeting took place. The department's counter-argument is that when the PSB No. 1 meeting was held in July 2020, the petitioner's seniority number (549) was far below the last doctor promoted (seniority number 364). Since he was not within the "zone of consideration" for that particular promotion, he was not denied a promotion. The department also points out that he retired in March 2021, and there is no provision in the relevant service rules (Sindh Civil Servants Act, 1973, and rules thereunder) for a pro forma promotion after retirement.

7. The core of a successful pro forma promotion claim is proving that the employee was "wrongfully prevented from rendering service in the higher post" for no fault of their own. The petitioner's claim seems weak based on the provided facts. The department's argument that he was not within the zone of consideration at the time of the PSB meeting is a strong defense. The fact that the promotion list only went up to seniority number 364, while he was at 549, suggests that he would not have been promoted even if he had not retired. Case law supports entitlement if the delay was administrative. The Supreme Court has granted pro forma promotions to retired civil servants when their right to be considered for promotion matured before their retirement, but they were not considered due to administrative delays or errors (e.g., a delayed meeting of the Departmental Promotion Committee or Selection Board). The petitioner failed to demonstrate that he was not included in the "working paper" for consideration despite being eligible by all criteria (fitness, eligibility, and seniority) and that this omission was a departmental error; he might have a case. However, based on the facts provided, it seems he was included in the seniority list, but simply was not senior enough to be considered for the number of vacancies available at the time.

8. In conclusion, a retired civil servant can be entitled to a pro forma promotion under the law, but only if he/she can establish that he/she was denied the promotion during their service due to an administrative lapse and not for a legitimate reason, such as being too junior on the seniority list. Based solely on the facts presented, it appears the department's position is legally sound, as the petitioner's seniority number was well below the threshold for promotion at the relevant time. Therefore this petition is liable to be dismissed on merit, which accordingly dismissed.

JUDGE

Head of Constitutional Benches