

# THE HIGH COURT OF SINDH, KARACHI

**Before:**  
**Justice Mohammad Karim Khan Agha**  
**Justice Adnan-ul-Karim Memon**

## **CP No D-5778 of 2022**

(Dr. Shamim Razak & others v. Province of Sindh & others)

Petitioners : through Syed Shabbir Shah advocate  
Respondent Nos. 1 &2 : Mr. Ali Safdar Depar AAG  
Date of hearing : 26-08-2025  
Date of order : 26-08-2025

## **ORDER**

**Adnan-ul-Karim Memon, J.,** The petitioners are asking this court to intervene and correct what they see as a discriminatory and unfair application of promotion rules, compelling the authorities to grant them the same retroactive benefits that were given to their colleagues.

2. The petitioners are medical officers who were recommended for promotion in 2012 by the Departmental Promotion Committee (DPC). However, the official promotion notification was not issued until June 20, 2017. The petitioners claim that they were unfairly promoted with "immediate effect" from the date of the notification, while other doctors from the same DPC were granted promotions effective from the DPC's original date of August 11, 2012.

3. The petitioners' counsel argues that this is a violation of their fundamental rights under Article 27 of the Constitution of Pakistan, and they have been prejudiced by the loss of benefits, including financial hardship. The petitioners' counsel argues that the petitioners are legally entitled to have their promotions backdated to August 11, 2012, the date of the Departmental Promotion Committee (DPC) recommendation. The core arguments are that the denial of retroactive promotion is a violation of the petitioners' constitutional rights, especially since their colleagues were granted promotions from that earlier date. He submits that the department unfairly ignored the petitioners' requests for promotion and granted the benefit to junior officers, which violates the statutory rules of 1982. He further added that the petitioners' retirement benefits have been delayed, and they should be calculated based on the retroactive promotion date to ensure they receive their full and rightful dues. In conclusion, the counsel is asking this court to grant the petition and approve the retroactive promotions for the petitioners. They also cite a previous court decision (CP No. D-3972/2021) on a similar matter and request the court to grant them the same relief.

4. The learned AAG, on the other hand, argues that the promotions were handled according to Rule 7-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974. He states that promotions are generally effective from the date of the notification rather than with effect from the date of recommendation by the Department Promotion Committee (DPC). An exception to this rule, under Rule 7A, applies only to officers who have retired or passed away after the DPC recommendation but before the promotion notification is issued. The learned AAG claims that the petitioners were still in service when the promotion notification was issued on June 20, 2017, and then retired from service; therefore, they do not qualify for the special provisions of Rule 7A. In contrast, the doctors who received retroactive promotions from the DPC date were those who had already retired (or had become superannuated) by the time the notification was issued. The AAG maintains that since the petitioners' cases do not fall under Rule 7A, their claim for a promotion date of August 11, 2012, is not valid.

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

6. It is well settled now that a promotion notification should be effective from the date of the DPC/ Provincial Selection Board's (PSB) recommendation (in that case, August 11, 2012), not from the date the notification was issued in 2017. As the purpose of the selection board would be "redundant" if promotions were/are backdated. Meaning their promotions should be backdated to the DPC's recommendation date of August 11, 2012.

7. It is a settled principle of law that if service, benefits have accrued to an employee but for one reason or the other such benefits could not be awarded to such an employee, then, irrespective of the fact of his/her having retired from service, the department concerned shall still have to further consider her/his case for such a promotion benefits and to allow him/her benefits of such a promotion, even after retirement from service.

8. In view of what has been discussed above, the instant petition is disposed of with a direction to the competent authority of the Respondents to actualize the promotion of the petitioners with effect from the date of recommendation of the DPC held on August 11, 2012, if there does not impede the law. Thus, the competent authority of respondents is liable to release the service benefits of the petitioners of the intervening period to which they are entitled under the law within two months from the date of receipt of this order.

JUDGE

HEAD OF CONST. BENCHES

SHAFI