

IN THE HIGH COURT OF SINDH AT KARACHI
CP. No. D-5445 of 2023
(*Muhammad Ahmed Khan & another v Federation of Pakistan & another*)

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

Date of hearing and Order: 01.09.2025

Mr. Muhammad Riaz advocate for the petitioners.
Ms. Wajiha Mehdi, Assistant Attorney General.

O R D E R

Adnan-ul-Karim Memon, J: The petitioners are requesting the court to:

- a. Declare that the petitioners are eligible for pro-forma promotion and order of the constitution petition bearing No. D-6505/2017;
- b. To direct the Respondents No.2 and 3 to release the benefits of the petitioners from the date of their promotions as LDCs.
- c. Grant any other relief the court deems appropriate and just under the circumstances of the case.

2. The petitioners were given "officiating charges" as Lower Division Clerks (LDCs) but were never permanently promoted, despite working in the role for over a decade. They previously filed a petition, bearing No. 6503/2017 which was decided in their favor on March 17, 2023. However, during the pendency of the aforesaid case, they retired and their names were removed from the promotion/regular employee list. Now, the petitioners are asking this court to order the respondents to grant them "pro forma" promotions and back benefits based on the Supreme Court's earlier ruling as well as this Court.

3. The petitioners' counsel argues that the respondents' actions are illegal and violate their rights. The petitioners' decade-long service in the LDC role should have resulted in a permanent promotion, and the respondents cannot retroactively harm their careers by keeping them in temporary positions; that the respondents are acting arbitrarily and capriciously by not recognizing their promotions as permanent, especially since they passed all required tests; that the respondents' failure to regularize their positions after more than two years violates established legal precedents and the Constitution of Pakistan. The petitioners claim they have been subjected to discriminatory treatment by the respondents. Learned counsel argues that the rules for ministerial staff do not apply to their case, but even if they were, they are inconsistent with the Civil Servants Act of 1973. The petitioners believe they have no other legal recourse and are asking the court to grant them now proforma promotions and back benefits they are owed.

4. The learned Assistant Attorney General, without filing comments, prayed for the dismissal of the petition.

5. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

6. We are inclined to entertain the request of the petitioners in the matter of proforma benefits in terms of decision of the Supreme court in the case of Director General Intelligence and Investigation, F.B.R., Islamabad, and others Vs. Muhammad Aslam Khan **2020 SCMR 1846**.

7. On the issue of proforma promotion we are fortified by the decisions of the Supreme Court rendered in the cases of Dr. Syed Sabir Ali v. Government of Punjab through Secretary Health Punjab and others, (2008 SCMR 1535), Federation of Pakistan and others v. Amir Zaman Shinwari, Superintending Engineer, (2008 SCMR 1138) and Dr. Muhammad Amjad v. Dr. Israr Ahmed, (2010 SCMR 1466).

8. This petition is disposed of in terms of the decision of the Supreme Court in the case of Director General Intelligence and Investigation, F.B.R., Islamabad, and others Vs. Muhammad Aslam Khan **2020 SCMR 1846**.

JUDGE

Head of the Const. Benches