

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI
C.P. No. D – 2552 of 2026
[Hafiz Ziauddin Sultan v. Province of Sindh & others]

DATE

ORDER WITH SIGNATURE OF JUDGE(S)

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Hasan (Akber)

Date of hearing and order:-18-05-2026

Mr. Ali Asadullah Bullo, Advocate for the Petitioner.
Mr. Abdul Jalil Zubedi, AAG Sindh alongwith Mr. Abdul Malik,
S.O. W&S, who is present in Court.

ORDER

Adnan-ul-Karim Memon, J The petitioner, Hafiz Ziauddin Sultan, has filed the present Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, stating that he was appointed as Sub-Engineer (BS-11) in the Works & Services Department, Government of Sindh, through the Sindh Public Service Commission in 2010 under the non-graduate/civil quota. He was subsequently promoted to BS-16 in 2018 after completing the requisite departmental training, examinations, and five years of satisfactory service in accordance with the applicable policy.

3. It is stated by the learned counsel for the petitioner that the petitioner is a regular and permanent employee of the department and has consistently maintained satisfactory Performance Evaluation Reports (ACRs) from 2017 to 2025. His name continues to appear in the seniority lists, and he presently stands at Serial No. 3 in the seniority list of Sub-Engineers (BS-16). It is contended that several of his junior colleagues have already been promoted to the post of Assistant Engineer (BS-17), whereas the petitioner has been left behind despite being eligible. The petitioner's counsel further submits that although the department has initiated the process of collecting service record documents, including ACRs, dossiers, No Dues Certificates, and No Enquiry Certificates, no meeting of the Departmental Promotion Committee (DPC) has been convened, nor have his promotion cases been formally placed before the competent forum. It is alleged that this inaction has caused undue delay, resulting in financial and career prejudice. The learned counsel for the petitioner contends that the respondents have failed to act in accordance with law and policy by delaying the DPC process despite the availability of vacancies, thereby depriving eligible officers of their due right of consideration. It is argued that while promotion itself is not a vested right, consideration for promotion is a settled legal right, and the delay is arbitrary, discriminatory, and violative of Articles 4, 9, 18, and 25 of the Constitution.

4. Learned AAG, Sindh has submitted that the petitioner's case is at Serial No. 3 of the seniority list of Sub-Engineers (BS-11/16) and that promotion is subject to fulfillment of codal formalities, availability of vacancies, and recommendations of the competent authority in accordance with rules and policy. It is further submitted that the department has already initiated action by issuing letters dated 05.01.2026 and 11.03.2026 to all concerned offices for submission of ACRs, dossiers, No Dues Certificates, and other required service record documents of eligible Sub-Engineers for the preparation of working papers. The process is ongoing, and upon receipt of the complete record, further action will be taken for convening the DPC strictly in accordance with law without unnecessary delay. He added that the departmental correspondence reflects that multiple vacant posts of Assistant Engineer (BS-17) exist, which are to be filled through promotion on seniority-cum-fitness basis, and requisite information from field offices is being actively collected for finalization of promotion cases. In view of the above submissions, it is stated that the matter pertains to processing of promotion cases, which is under active consideration of the department and shall be proceeded further in accordance with law upon completion of codal requirements.

5. It is, however, noted that promotion is subject to fulfillment of all codal formalities, availability of vacancies, and recommendations of the competent authority in accordance with law and policy.

6. At this stage, learned counsel for the petitioner has requested that the matter be remitted to the competent authority for consideration of his case for promotion, if found eligible in all respects.

7. Learned AAG, Sindh has stated that the matter pertains to a policy decision to be taken by the competent authority so far as the promotion of the petitioner is concerned in accordance with law.

8. In view of the above, without touching the merits of the case, the petition is disposed of with a direction to the competent authority of the respondents to consider the petitioner's case for promotion strictly in accordance with law and policy, and if found eligible in all respects, to place this matter before the Departmental Promotion Committee for appropriate consideration.

9. Pending application(s) stand disposed of accordingly.

JUDGE

JUDGE