

**ORDER SHEET**  
**THE HIGH COURT OF SINDH KARACHI**  
C.P. No. D – 1549 of 2026  
[Yaqoob Ali & others v. POS & others]

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
	Before:- <b>Mr. Justice Adnan-ul-Karim Memon</b> <b>Mr. Justice Muhammad Hasan (Akber)</b>

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

Mr. Ali Asadullah Bullo, Advocate for the Petitioners.  
Mr. Abdul Jalil Zubedi, Addl. AG along with  
Dr. Faheem, Deputy Director, Fisheries & Livestock Department.

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**ORDER**

**Adnan-ul-Karim Memon, J** Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief(s):

- i. *Declare the act of Respondents regarding non-convening of the meeting of the departmental promotion committee as illegal and violative of Sindh Civil Servants (appointment, Promotion & Transfer) Rules, 1974.*
- ii) *Direct the Respondents to convene the meeting of the departmental promotion committee and consider the cases of petitioners for promotion against the posts of Assistant Director BS-17 against vacant posts and grant effect from the date of occurrence of vacancy;*
- iii) *To restrain the Respondents from taking any adverse action against the petitioner, and to conduct themselves strictly in accordance with the law.*
- iv. *Grant any other/ further/additional reliefs) as this Court may deem proper in the circumstances of the case.”*

2. The Petitioners have been serving as Assistant Warden Fisheries (BS-09) regularly since their appointments in the years 2012 and 2013 through the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, after due recommendation of the competent recruitment and selection committee. Their service structure and promotional hierarchy are governed under the relevant service rules and notification dated 11.05.2009, wherein the post of Assistant Director Fisheries/Deputy District Officer Fisheries (BS-17) is the next promotional post for Assistant Warden Fisheries against the prescribed promotional quota. It is urged that the Petitioners possess the requisite qualification, length of service, and satisfactory performance record required for promotion to BS-17. It is submitted that despite fulfillment of all legal and departmental requirements, and despite availability of sanctioned vacant posts reserved for their quota, the Respondents have failed to convene the meeting of the Departmental Promotion Committee (DPC) for consideration of their cases. The immediate supervisory officers of the department also recommended to the

competent authority for holding the DPC meeting, no action has been taken. Thereafter, the Petitioners submitted a joint representation before Respondent No.2 requesting consideration of their promotion cases against available vacancies, but the same also remained unattended. The Respondents subsequently issued a seniority list dated 31.12.2025 wherein the names of the Petitioners appear at relevant serial numbers, yet no progress has been made regarding their promotion cases. The Petitioners submit that the unjustified and discriminatory delay in convening the DPC has caused serious prejudice to their service career and financial prospects. They contend that although promotion itself may not be a vested right, consideration for promotion in accordance with law is a vested right, which cannot be denied arbitrarily. The Petitioners further state that similarly situated employees have already been promoted in previous years, while the Petitioners alone are being deprived of lawful advancement without any lawful justification.

3. The learned counsel for the petitioners submitted that the impugned inaction of the Respondents is stated to be violative of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, principles of good governance, fairness and equality, as well as Articles 4, 9, 18 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. Hence, the Petitioners seek direction from this Court for direction to convene the meeting of the Departmental Promotion Committee and consider their cases for promotion to the post of Assistant Director Fisheries (BS-17) against available vacancies with all consequential benefits.

4. Learned AAG filed comments on behalf of the Respondents and submitted that the post of Assistant Director Fisheries (BS-17) is a management and research-oriented post of crucial importance in the Fisheries Wing. It was contended that the feeding post of Assistant Warden Fisheries (BS-09) does not provide sufficient experience in fisheries management and research required for promotion to BS-17. Therefore, the Department has created 15 posts of Warden Fisheries (BS-14) in order to establish a proper promotional pathway and to groom Assistant Warden Fisheries officials before their further promotion to the post of Assistant Director Fisheries (BS-17). The learned AAG further submitted that although four vacant posts of Assistant Director Fisheries (BS-17) are presently available, the Departmental Promotion Committee (DPC) meeting shall be convened after completion of all codal formalities. It was also stated that the names of the Petitioners appear in the seniority list according to their respective seniority positions; their promotion is subject to the availability of vacancies under the prescribed 30% promotional quota as provided in the Recruitment Rules. It was further argued that at the relevant time, no vacancy was available under the said quota, and the DPC meeting could not be convened earlier. The

learned AAG denied any mala fide intention or deliberate delay on their part and maintained that the Department is not violating any law or rules. According to the Respondents, the restructuring of the Fisheries Wing has already been approved by the Service Restructuring Committee of SGA&CD, whereby the newly created posts of Warden Fisheries (BS-14) would facilitate the promotional channel of Assistant Warden Fisheries (BS-09), and after completion of this process, the DPC meeting would be held. The learned AAG lastly contended that the Petitioners are attempting to mislead this Court and are not entitled to any relief under the law; therefore, the petition is liable to be dismissed.

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

6. In view of the above facts and circumstances of the case, it is an admitted position that the Petitioners are regular civil servants serving as Assistant Warden Fisheries (BS-09) since 2012 and 2013, respectively, and their names admittedly appear in the final seniority list issued by the Respondents. It is further not disputed that vacancies of Assistant Director Fisheries (BS-17) are available and that the Petitioners fall within the promotional channel prescribed under the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974. The only justification advanced by the Respondents for non-convening of the Departmental Promotion Committee is the proposed restructuring of the department and creation of intermediary posts of Warden Fisheries (BS-14). However, admittedly, no amendment in the Recruitment Rules governing the service structure of the Petitioners has yet been placed before this Court whereby the existing promotional entitlement of the Petitioners stands withdrawn, altered, or suspended.

7. It is a settled principle of service jurisprudence that, though promotion itself is not a vested right, fair and lawful consideration for promotion strictly in accordance with the applicable rules is a vested and enforceable right. The Respondents, being statutory functionaries, are under constitutional and legal obligation to act fairly, transparently, and in accordance with law and cannot indefinitely defer the convening of DPC merely based on administrative restructuring or future policy considerations. Any executive arrangement or proposed restructuring cannot override the statutory rules holding the field unless the same is lawfully incorporated through amendment in the relevant service rules.

8. The conduct of the Respondents in withholding consideration of the Petitioners' cases despite admitted availability of vacancies and existence of the prescribed promotional quota amounts to arbitrary exercise of executive authority and offends the mandate of Articles 4, 18 and 25 of the Constitution of the Islamic

Republic of Pakistan, 1973, which guarantee the right of individuals to be dealt with in accordance with law, equality of treatment and protection against discriminatory conduct. Article 4 of the Constitution mandates that every citizen shall be treated in accordance with law, and no action detrimental to life, liberty, body, reputation, or property shall be taken except in accordance with law, while Article 25 guarantees equality before law and equal protection of law. Similarly, Article 18 protects lawful advancement in profession and service subject to law.

9. The august Supreme Court has consistently held that delay in convening DPC meetings without lawful justification deprives civil servants of their valuable right of consideration for promotion and constitutes maladministration. It is well settled now that discretion vested in public authorities cannot be exercised whimsically, arbitrarily, or capriciously and must conform to the principles of fairness, transparency, and equality. Likewise, it has been held that where vacancies exist, and employees fulfill the prescribed eligibility criteria, the department is under an obligation to convene DPC within a reasonable time and finalize promotional cases strictly in accordance with rules.

10. The plea of the Respondents that the Petitioners lack experience in management and research cannot legally defeat their right of consideration when, admittedly, the existing Recruitment Rules still recognize Assistant Warden Fisheries (BS-09) as a feeder cadre for promotion to BS-17 under the prescribed quota. Until the rules are lawfully amended, the Respondents remain bound by the existing statutory framework and cannot deny consideration to the Petitioners on the basis of contemplated restructuring alone.

11. Accordingly, this petition is disposed of with the direction to the Respondents to convene the meeting of the Departmental Promotion Committee within a period of sixty (60) days and consider the cases of the Petitioners for promotion to the post of Assistant Director Fisheries (BS-17) strictly in accordance with the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, against available vacancies and based on their seniority and eligibility. In case the Petitioners are found fit and eligible, consequential benefits shall follow in accordance with law from the date vacancies became available. The Respondents are further restrained from taking any adverse action against the Petitioners merely on account of the filing of the present petition. All pending application(s) if any, stand disposed of in the above terms.

**JUDGE**

**JUDGE**