

# IN THE HIGH COURT OF SINDH, KARACHI

**Before:**

**Justice Muhammad Saleem Jessar**

**Justice Nisar Ahmed Bhanbhro**

**CP No.D-4880 of 2025**

*(Syed Tahir Ali v. Karachi Water & Sewerage Corporation and 04 others)*

Petitioner : Syed Tahir Ali in person

Respondents No.1 to 3 : through Mr. Masroor Ali, advocate

Respondent No.4 : Mr. Hakim Ali Shaikh, Additional  
Advocate General Sindh

Respondent No.5 : Nemo.

**Date of hearing and order : 17.02.2026**

**Date of Reasons: 24.02.2026**

## ORDER

**NISAR AHMED BHANBHRO, J.** Through this petition, the petitioner claims following relief(s):

*“A. That the Petitioner is entitled to his promotion from the date of DPC held on 23-02-2018 as assented/approved by the Respondents No.1 to 3 and non-issuance of letter of his promotion from the said date i.e. 23-02-2018 is illegal unlawful unjust ab-initio and un-constitutional against the rights interests and entitlement of the Petitioner and Petitioner is entitled of his promotion from the said date i.e.23-02-2018 and deferential amount of salary and pension and the Respondents are under legal and lawful obligations to issue letter for his promotion from the said date.*

*B. To Pass order directing the Respondents to promote the Petitioner in BS-19 from said date i.e. 23-02-2018 and further to calculate the deferential*

*amount of his salary and pension and pay the same to the Petitioner immediately."*

2. Respondents No 1 to 3 filed their joint reply that is taken on record. Petitioner present in person submitted that he was an old aged retired person, therefore, pleaded to proceed with the matter. By consent of the parties, we propose to dispose of this petition at this stage.

3. Petitioner contended that he retired as Superintending Engineer (Civil) BPS-19 on 25.07.2023, was unlawfully denied promotion from the due date. He submitted that in the DPC held on 23.02.2018, juniors to Petitioner were promoted to BPS-19, whereupon the petitioner lodged a complaint alleging favoritism. He argued that a note-sheet dated 22.06.2021 prepared by respondent No.2 acknowledged that the petitioner, being senior, was entitled to promotion prior to respondent No.4. The said note-sheet was duly endorsed and approved by respondents No.1 to 3; however, despite transmission to respondent No.4 for compliance, no action was taken. Subsequently, the petitioner was promoted in the DPC held on 13.12.2021 vide letter dated 05.01.2022, but not from the due date of 2018 as approved. His grievance regarding antedated promotion was declined by the Provincial Ombudsman on the ground of lack of jurisdiction. Petitioner maintained that he was legally entitled to promotion from the due date, his junior was promoted in 2018 and prayed for acceptance of the petition.

4. Learned Additional Advocate General, Sindh, assisted by Learned Counsel for the Respondents No 1 to 3 contended that the petitioner was not considered for promotion in the DPC meeting dated 23.02.2018 for valid reasoning. It was argued that Petitioner had preferred an appeal against the promotion of his junior, namely Mr. Riaz, Ex-Superintending Engineer (Civil) BPS-19, who was promoted with effect from 23.02.2018. The said appeal was submitted to the then Chairman, KW&SB, on 29.06.2021 and was subsequently referred to the Local Government Department, Government of Sindh. He submitted that thereafter, on the recommendation of DPC-I held on 13.12.2021, the petitioner himself was promoted to the post of Superintending Engineer (Civil) BPS-19 with effect from 13.12.2021 vide office order dated 05.01.2022. The petitioner accepted the said promotion and joined the post without any protest. His promotion was duly confirmed by the Local Government Department,

Government of Sindh, vide letter dated 04.01.2023 under Rule 6(1) of the KW&SB Employees (APT) Rules, 1987. Learned AAG further contended that the petitioner subsequently retired from service on attaining the age of superannuation on 25.07.2023. He maintained that the case of the petitioner was processed and notified strictly in accordance with law, on the recommendation of DPC-I held on 13.12.2021, and the promotion was rightly granted with effect from the date of the said DPC. He prayed for dismissal of the petition.

5. Heard arguments of the parties and perused the material available on record.

6. Scanning of the record revealed that the Petitioner was a retired employee of Karachi Water & Sewerage Corporation (KWSC) a statutory body looking into water and sanitation affairs of the Karachi a metropolitan city. Petitioner was accorded promotion to grade 19 pursuant to the recommendations of Departmental Promotion Committee meeting held on 13.12.2021, which petitioner disputed and claimed that he was entitled for promotion from 23.02.2018 when his juniors were promoted to the post of Superintending Engineer (Civil) BS - 19. Petitioner challenged the decision of competent authority failing to extend him the right of promotion from the date when it accrued through representation. Significantly, the record reflects that in response to the representation a note-sheet dated 22.06.2021 was prepared by the department, which categorically acknowledged that the petitioner was senior and entitled to promotion from the date when respondent No 5 was promoted. However, no consequential order was issued by the Respondent No 4.

7. The record further reflected that a large number of complaints were filed against the promotion recommendations of DPC meeting held on 23.02.2018, but no decision was rendered by the KWSC, despite of a clear findings that the Petitioner and other Senior Officers were deprived of the promotion under extraneous considerations. The stance of the learned AAG that the petitioner was subsequently promoted on the recommendation of DPC-I held on 13.12.2021 and that he accepted such promotion without protest does not resolve the core controversy. The question is not of promotion simpliciter, but of entitlement from the due date. Mere acceptance of a delayed promotion cannot extinguish a lawful

claim for antedated promotion, particularly where the record itself demonstrated recognition of such entitlement. The recommendation and approval embodied in the note-sheet dated 22.06.2021 constituted a clear acknowledgment by the competent authority that the petitioner was entitled to promotion from the earlier date. The failure to implement such approval, without any lawful justification, reflects administrative inaction, for which the petitioner cannot be made to suffer. It is an admitted position that the petitioner has retired from on 25.07.2023 having attained superannuation. However, retirement does not defeat a vested right accrued during service, for this very reason Fundamental Rule 17 provided for extending the financial benefits of pay and pension through proforma promotion on retirement of an employee, when it is established that employee was not at fault when his promotion was refused. If a senior officer was wrongfully superseded and such super-session was subsequently found unjustified by the department itself, the denial of promotion from the due date amounts to arbitrary exercise of authority and cannot be sustained in law.

8. When a Government servant lays down the burden of office and steps into retirement, he parts company with the prospect of ordinary promotion; yet he does not forfeit his lawful claim to pensionary benefits secured under the governing rules. Still, the law, being neither blind nor indifferent to injustice, recognizes that the right to promotion cannot be declined on surmises and conjectures, where an officer's right to be considered for promotion had ripened, but owing to administrative lapse, inadvertence, or delay he was not taken up for consideration, the employee can claim such right with retrospective effect, from the day when such right became available. Claim of the petitioner that he was entitled for promotion from 23.02.2018 has not been denied, therefore, Department was under an obligation to extend this benefit to the Petitioner from said Date. In these circumstances, the petitioner appears to stand squarely within this equitable exception. The officer was eligible; indeed, the Department had found him fit. Yet the formal notification lagged behind, and before its issuance he crossed the threshold of retirement. In these circumstances, the denial of promotion from the date of its accrual would amount to allowing procedural delay to triumph over substantive right, a course the law does not countenance.

9. From the discussion made herein-above, it can be safely held that the action on the part of the Respondent KWSC, a statutory body discharging its functions in connection with the affairs of province of Sindh, denying the right of promotion to the petitioner to next higher grade from its due date viz. 23.02.20218 was not justified in any manner, thus called for indulgence of this Court to exercise the powers of judicial review conferred under article 199 of the Constitution of Islamic Republic of Pakistan of 1973.

10. For the foregoing reasons, this petition is accepted. The petitioner is held entitled for promotion to the post of Superintending Engineer (Civil) BPS-19 from the date his junior was promoted pursuant to the DPC held on 23.02.2018. The notification dated 05.01.2022 whereby Petitioner was granted promotion in grade 19 with effect from 13.012.2021 is amended and modified and Petitioner shall be deemed to have been promoted in grade 19 with effect from 23.02.2018, with all consequential benefits, including re-fixation of pay and pensionary benefits, in accordance with law.

11. These are reasons for short order dated 17.02.2026, whereby we allowed instant petition.

**JUDGE**

**JUDGE**

**HEAD OF CONST. BENCHES**

Nadir\*

Approved for reporting