

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4259 of 2023

[Muhammad Majeed Awan and another V. Federation of Pakistan and others]

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 11.03.2026

M/s. Rafique Ahmed Kalwar and Muhammad Yasir, Advocates for the Petitioners.

M/s. Ch. Azhar Ellahi and Mohsin, Advocates for Respondents.

Ms. Wajiha Mahdi, D.A.G.

ORDER

Adnan-ul-Karim Memon, J. – Petitioners have filed these Constitution Petitions under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking the following relief:-

- i. *Declare that the Respondent's retrospective application of the Impugned Promotion Policy of 2017 over the promotion case of the Petitioners and the Impugned Letters dated 31.05 2022, respectively Annexure-1 & M, is illegal, unlawful, unconstitutional, and hence void ab initio;*
- ii. *Declare that the Impugned Promotion Policy of the year 2017 issued through the President's Office Circular bearing No. 02-2017 dated 30.11.2017 is illegal, mala fide, and is not applicable in the promotion case of the Petitioners;*
- iii. *Direct the Respondent Bank to promote the Petitioners to the post of the Vice President in the wake of the Promotion Assessment Scoring System (PASS) prevailing pursuant to Promotion Policy of 2016 with back benefits;*
- iv. *Declare that all promotions made under the garb of Impugned Promotion Policy of 2017 are illegal, hence set aside the same;*
- v. *Pass ad-interim orders by restraining the Respondent No. 3 from taking any vindictive action against the Petitioners owing to the filing of the instant Petition in the form of a transfer from the current position till the final disposal of the instant Petition;*
- vi. *Grant Costs;*
- vii. *Grant any further or better relief that this Hon'ble Court may deem just and proper in the facts and circumstances of the case.*

2. Learned counsel for the petitioners submits that the petitioners joined the respondent bank in 1996 as OG-II officers and, on account of their satisfactory and unblemished service, were promoted to OG-I in 2002 and thereafter to the post of

Assistant Vice President (AVP) in 2006 and 2009 respectively. It is contended that despite their long service of about twenty-seven years, excellent performance record and availability of vacancies, the petitioners were denied promotion to the post of Vice President while several of their juniors were promoted. It is further submitted that the promotion process for the post of Vice President was governed by the Promotion Policy 2016, under which the petitioners fulfilled the eligibility criteria and also qualified the PASS scoring system. The petitioners were accordingly called for interview on 06.09.2017 and the entire promotion process, including interviews, was completed under the said policy. However, before issuance of the promotion notifications, the respondent bank introduced the Promotion Policy 2017 and applied the same retrospectively to the petitioners' cases, thereby depriving them of their legitimate right to promotion. Learned counsel argues that such retrospective application of the 2017 policy is illegal, arbitrary and discriminatory, particularly when the promotion process had already been concluded under the 2016 policy. Reliance is placed on judgments of the superior courts, including that of the Honourable Supreme Court, wherein it has been held that promotion cases initiated under the 2016 policy cannot be governed by the revised policy of 2017. It is further contended that the respondent bank, through letters dated 31.05.2022, rejected the petitioners' claim by referring to subsequent policies, including the policy of 2022, which allegedly contains a discriminatory condition declaring employees engaged in litigation with the bank as ineligible for promotion. Learned counsel therefore submits that the impugned actions of the respondent bank are illegal, mala fide and violative of the petitioners' fundamental rights guaranteed under Articles 4, 9, 14, 18 and 25 of the Constitution. It is thus prayed that the impugned letters dated 31.05.2022 and the retrospective application of the Promotion Policy 2017 be declared illegal and the respondents be directed to consider and promote the petitioners in accordance with the Promotion Policy 2016 with all consequential benefits.

3. Conversely, learned counsel for the respondent bank raised preliminary objections regarding the maintainability of the petition. It was contended that the petition is not maintainable under Article 199 of the Constitution as the petitioners have alternative remedies available under the service framework of the bank. It was further argued that the petition is defective for non-joinder of necessary parties, particularly those employees who have already been promoted and whose rights may be affected by the outcome of the petition. Learned counsel submitted that promotion is essentially a policy and administrative matter falling within the exclusive domain of the competent authority and the Board of Directors of the bank, and the courts ordinarily do not interfere in such matters. It was emphasized that under the relevant service rules and policies, no employee has a vested right to promotion and that promotion depends upon several factors, including

performance, seniority, qualification, availability of posts, and overall suitability as determined by the competent authority. It was also argued that the impugned policy was framed by the Board in exercise of its lawful powers under the relevant statutes and bye-laws, and therefore cannot be challenged. Learned counsel further contended that the matter relates to past and closed transactions, suffers from delay and laches, and that the petitioners have failed to demonstrate a violation of any statutory right.

4. After hearing the learned counsel for the parties and examining the record, this Court is of the considered view that matters relating to promotion policies generally fall within the administrative domain of the employer and courts normally refrain from interference unless the policy is shown to be contrary to law or public interest. However, in the present case, reference was made to an order of the Supreme Court dated 18.03.2025, passed in the case of Ghulam Abbas Sangi, wherein the respondent bank agreed to consider similarly placed employees under the Promotion Policy of 2016.

5. In view of the said commitment and without entering into the merits of the present case, the petition is disposed of with directions to the competent authority of the respondent Bank that the case of the petitioners be considered in accordance with the directions issued by the Supreme Court in the aforementioned matter. The aforesaid exercise shall be undertaken within one month.

6. This petition, along with pending application(s) stands disposed of in the above terms.

JUDGE

JUDGE