

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-2370 of 2023
(Nadeem Ahmed Shaikh versus National Bank of Pakistan & others)

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Muhammad Karim Khan Agha

Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order:- 28.10.2025

M/s. Faizan Memon and Muhammad Saleem Khaskheli advocates for the petitioner.

Mr. Ch. Azhar Elahi advocate for NBP.

Ms. Wajiha Mehdi, Assistant Attorney General

ORDER

Muhammad Karim Khan Agha, J:

The petitioner has prayed as

under:

To declare that the failure of Respondents to treat the petitioner at par with similarly placed employees and promote him as Vice President by extending the benefit of the Supreme Court order is unlawful, unconstitutional, arbitrary, discriminatory, illegal, and in violation of the provisions of the fundamental rights as enshrined in the Constitution of the Islamic Republic of Pakistan

Direct the Respondents to consider the petitioner for promotion as Vice President in accordance with the dicta laid down by the Supreme Court in judgment dated 17.05.2022, passed in C.P. No. D-1761 of 2019.

Restrain the Respondents, their officers, officials, subordinates, agents, or anyone acting on their behalf from taking any adverse/coercive action, including transferring him from the head office, against the petitioner.

2. The case of the petitioner is that he was appointed as Officer Grade II on 04.04.1996 and, due to his honest and dedicated service, earned promotions up to Assistant Vice President on 07.11.2009. Despite fulfilling the criteria and having an exemplary record, he was not promoted to Vice President. He submitted applications on 04.08.2014 and 01.09.2014, but no action was taken.

3. Counsel for the petitioner argued that the petitioner was denied promotion while juniors and colleagues were promoted, in violation of the promotion policy and principles of equality. There is also apprehension that he may be transferred from Head Office as a retaliatory measure. The petitioner claims this treatment is unjust, discriminatory, unlawful, and unconstitutional, and prayed for the petition's acceptance.

4. The learned AAG, assisted by the counsel representing the NBP, contended that the bank's service rules are non-statutory, non-workmen employees are governed by the principle of Master & Servant, and writ jurisdiction does not apply. Promotions fall within the Board of Directors' authority under the Banks Nationalization Act, 1974, and NBP Bye-Laws, 2015. She further claimed the petitioner suppressed facts and misrepresented them to seek undue benefit, praying for dismissal of the

petition, while relying on the case of Younus Parwani v Federation of Pakistan (2025 PLC (CS) 976),

5. Heard the parties and perused the record.

6. The petitioner has demonstrated a long and meritorious service record, having joined as Officer Grade II in 1996 and subsequently promoted to Assistant Vice President. Despite fulfilling all requisite criteria and maintaining an exemplary service record, he was overlooked for promotion to Vice President while his juniors and colleagues were promoted. In the comments, the respondent Bank has suggested that the petitioner's case shall be considered by the Promotion Committee strictly in accordance with the Promotion Policy, 2023 (President Circular No. 11/2023), approved by the Board of Directors.

7. Considering the petitioner's long service and good appraisal of the years as demonstrated, and subject to fulfillment of eligibility criteria as set forth by the respondent Bank, the competent authority of respondents is directed to reconsider the petitioner's case for promotion to next rank strictly in accordance with the applicable rules, and the decision of the Supreme Court recently given, ensuring parity with similarly placed employees and without any adverse repercussions. The said exercise shall be undertaken within three months.

8. This petition stands disposed of in the above terms.

HEAD OF CONST. BENCHES

JUDGE