

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D-6039 of 2024
(Nisar Ahmed Soomro versus Province of Sindh & others)

Date	Order with signature of Judge(s)
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order:- 31.10.2025
Mr. Munawar Ali advocate for the petitioner
Ms. Saima Imdad, Assistant Advocate General, assisted by

ORDER

Muhammad Karim Khan Agha, J: The petitioner seeks directions for the grant of *proforma promotion* from BS-19 to BS-20 (Chief Engineer E&M) effective from 1st November 2023 — the date of his retirement, along with all *consequential benefits*, including arrears and revised pension. He also prays that respondents’ failure to convene DPC meetings be declared illegal and contrary to law, and that binding precedents such as 2022 SCMR 550, 2012 SCMR 126, and 2023 PLC (CS) 336 be followed.

2. The petitioner was appointed as Assistant Executive Engineer (BS-17) on 07.07.1992, promoted to Executive Engineer (BS-18) in 2012, and to Superintending Engineer (BS-19) in 2019. He retired on 01.11.2023 upon attaining the age of 60. At the time of retirement, four posts of Chief Engineer (BS-20) were vacant, and the petitioner, being the senior-most BS-19 officer, fully met the eligibility criteria under the Sindh Councils Unified Grades (Service) Rules, 2020. However, due to a delay in convening DPC meetings, his case for promotion could not be considered.

3. Learned counsel for the petitioner submitted that the respondents’ inaction constitutes a violation of Articles 4, 9, 18, and 25 of the Constitution, depriving the petitioner of fair treatment and equality in service matters. It is argued that the petitioner’s eligibility and seniority entitled him to promotion, and the denial thereof due to administrative delay is arbitrary and unlawful. Reliance is placed on judgments recognizing post-retirement promotion in cases of departmental delay, including 2022 SCMR 550, 2012 SCMR 126, 2023 PLC (CS) 336, 2025 SCMR 819, and 2025 PLC (CS) 1084.

4. Conversely, learned AAG contended that the petitioner, governed by the SCUG (Service) Rules 2020, retired before the DPC meeting held on 12.06.2024. As per Rule 7-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, exemption from Rule 31 applies only where a DPC recommendation exists prior to retirement or death. Since the petitioner retired before consideration of his case, no right

to promotion accrued. In support of her contention she relied upon the cases of Nisar Hussain Shaikh v Province of Sindh & others **2025 PLC(CS) 1084** and unreported order dated 07.03.2025 in **C.P No. D-5412 of 2022** passed by this Court. Hence, prayed for dismissal of the petition.

5. After hearing the learned counsel for the parties and examining the record, it is evident that the petitioner had completed all requisite service conditions and was otherwise eligible for promotion from BS-19 to BS-20 under the *Sindh Councils Unified Grades (Service) Rules, 2020*. The denial of such promotion was not due to any fault or deficiency on the part of the petitioner but solely on account of administrative delay in convening the Departmental Promotion Committee (DPC).

6. The law is well-settled that where a civil/public servant is deprived of consideration for promotion due to departmental inaction, he/she cannot be made to suffer for the fault of the administration. The Supreme Court of Pakistan has consistently held that eligible officers who could not be considered for promotion before retirement due to official delay are entitled to proforma promotion with all consequential benefits, including revision of pension.

7. In the present case, prima facie, the petitioner's right to consideration for promotion had matured before his retirement, and the subsequent DPC proceedings cannot extinguish that right. The respondents' failure to convene timely DPC meetings constitutes a denial of due process and equality in service matters. It also appears from the record that as per the opinion of the Advocate General Sindh dated 6th August 2024, confirming that no departmental or criminal proceedings were/are pending against petitioner, and in light of applicable legal precedents, he opined that the petitioner's case for proforma promotion from BS-19 to BS-20 merits favorable consideration in accordance with law and subject to fulfillment of codal formalities.

8. Accordingly, this petition is allowed in terms of the ratio of the judgment passed by the Supreme Court in the case of Ahmed Owais Vs Principal Secretary **2025 SCMR 819**. The respondents are directed to grant the petitioner proforma promotion to BS-20 (Chief Engineer E&M) effective from the date of his retirement, i.e., 1st November 2023, together with all consequential benefits including arrears and revision of pension, within a reasonable period of two months in accordance with law.

HEAD OF CONST. BENCHES

JUDGE