

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D-2365 of 2022
(*Irfan Rind & another versus Province of Sindh & 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:- 05.11.2025

Petitioners present in person

Ms. Saima Imdad, Assistant Advocate General

ORDER

Muhammad Karim Khan Agha, J: The Petitioners seek directions from this Court to the Respondents to take necessary measures for awarding them *time-scale promotions up to BS-21* on the pattern of teachers of the High School Education Department, Sindh. In the alternative, if such a measure is not feasible, the Petitioners pray that they may be *promoted as Professors (BS-20) regularly*.

2. The petitioners who are present in person submitted that the Petitioner No.1 was appointed as Lecturer in 1990 and is presently serving as Associate Professor (BS-19). He is due to retire on 8th April 2022 without being promoted to Professor (BS-20). Petitioner No.2 was appointed as Lecturer (BS-17) in 2000, promoted to Assistant Professor (BS-18) in 2015, and is now serving as Associate Professor (BS-19). Both Petitioners, despite long and meritorious service, have no reasonable prospect of further promotion. The situation reflects a broader pattern wherein many college teachers retire as Assistant or Associate Professors, receiving only one or two promotions during their entire careers. Such stagnation is discriminatory, unjust, and violative of fundamental human and constitutional rights. The Petitioners further submit that school teachers in Sindh have been granted time-scale promotions up to BS-20, even though they are non-SPSC recruits and contribute only up to matric level. In contrast, college teachers are selected through the Sindh Public Service Commission, contribute up to graduation and postgraduate levels, and are academically far more qualified, yet they have been deprived of equivalent financial and promotional benefits. It is pertinent to mention that 20% of college teachers are appointed through direct quota on open merit, with MPhil or PhD qualifications, which further demonstrates their higher academic merit compared to school teachers. The Petitioners also rely on the precedent set by the Supreme Court of Pakistan, which granted time-scale promotions to Subject Specialists, a decision that was duly implemented by the Government. Similarly, Professors (BS-20) of Islamabad Model Colleges under the Federal Directorate of Education have been granted higher time scales of BS-21, yet the same principle has

not been extended to college teachers in Sindh, resulting in clear discrimination. It is urged by them that numerous representations were submitted by them and other college teachers, requesting time-scale promotions and redressal of this longstanding grievance, but no action was taken by the competent authorities. Earlier constitutional petitions (C.P. No. 2775/2011 and C.M.A. No. 6049/2020) concerning time-scale promotions led to the issuance of a revised four-tier structure; however, only 2% of total posts were allocated for Professors (BS-20). This allocation is manifestly insufficient when compared to other provinces, where Punjab has allocated 3% and Khyber Pakhtunkhwa 5% for the same grade. They added that under the Sindh Government Notification dated 27th February 1984, the minimum service length for promotion to higher grades has already been prescribed. However, these provisions have failed to benefit college teachers due to the extremely limited number of sanctioned posts. Consequently, eligible teachers are deprived of due career progression despite fulfilling all service requirements. A similar petition (C.P. No. 5884/2021) was earlier dismissed with the direction to file afresh; therefore, the present petition is being filed in continuation of the same cause of action. It is further submitted that despite being fully eligible, Petitioner No.1 was not considered for promotion in the Board-I meeting held on 21st March 2022, which demonstrates discriminatory treatment and mala fide conduct on the part of the department. The Petitioners submit that Articles 25 and 27 of the Constitution of the Islamic Republic of Pakistan, 1973, guarantee equality before law and safeguard against discrimination in public employment. The denial of time-scale promotions and fair advancement opportunities constitutes a clear violation of these constitutional guarantees. It is also submitted that time-scale promotions are an established and recognized mechanism in government service, particularly in departments where posts are stagnant and promotional avenues are not available. Hence, the Petitioners are fully entitled to such relief to ensure fairness, equality, and protection of their service rights under the Constitution.

3. Learned Assistant Advocate General has contended that a revised four-tier structure has already been implemented, under which 1,787 posts have been upgraded to BS-18, BS-19, and BS-20, resulting in over 3,500 promotions during the last four years. Hence, there is no delay or injustice in promotions, and the grievance of the Petitioners stands redressed. She further argued that the comparison with school teachers is misplaced. School teachers are non-gazetted employees and far greater in number. She added that the time-scale granted to them is merely a financial benefit, not a promotion in the service cadre. Moreover, the time scale applies only to isolated posts or cadres without promotion avenues, whereas college

teachers have a regular and defined promotion structure through the four-tier system. She next submitted that the 20% quota for direct recruitment in each grade (BS-18, BS-19, and BS-20) allows qualified lecturers to apply through the SPSC without waiting for seniority-based promotion. This quota exists because degree colleges require MPhil/PhD staff for university affiliation. The reference to Model Colleges, Islamabad, is irrelevant, she emphasized, as the cited notification applies only to Model Colleges where no further promotion exists, and it does not grant any executive or seniority benefit applicable to Sindh college teachers. The department has already filed comments and compliance reports in C.P. No.D-2775/2011 and C.P. No.D-5884/2021, which are part of the record. The Sindh Cabinet, in its meeting held on 24-12-2020, approved the revised four-tier structure in lieu of a time-scale system, and compliance reports have been submitted to this Court. The contention that the Petitioners have been discriminated against is vehemently denied. Promotions are made strictly under Rule 9(2)(b) of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1973, on a seniority-cum-fitness basis. Petitioner No.1 stood at Seniority No. 110 in the list dated 29-07-2021 and had already retired on 08-04-2022, making him ineligible for promotion thereafter. The officers promoted to BS-20 were his seniors. Petitioner No.2 has only recently been promoted to Associate Professor (BS-19) vide notification dated 02-04-2022 and must await his turn for further promotion as per rules. The demand for a time-scale up to BS-21 is unfounded, as no BS-21 provision exists in the college teachers' service structure, nor is there any record of such a time-scale for high school teachers. The nature and responsibilities of the post remain unchanged, and such demand has no legal basis. The service structure for college teachers is not stagnant, and adequate promotion avenues exist within the revised four-tier system. Accepting the Petitioners' contention would violate service rules and the rights of senior officers. In view of the above, the instant petition is devoid of merit, as the Petitioners' grievances have already been addressed through the revised four-tier structure and lawful promotions. It is, therefore, prayed that the petition be dismissed in the interest of justice and fairness to other senior officers.

4. We have heard learned counsel for the parties and have perused the material available on record with their assistance.

5. The Petitioner-1 was appointed as Lecturer in 1990 and retired on 08.04.2022 as Associate Professor (BS-19) without promotion to Professor (BS-20). Petitioner-2, appointed as Lecturer (BS-17) in 2000, was promoted up to Associate Professor (BS-19). Both claim lack of promotion opportunities and seek either a time-scale up to BS-21 or

promotion to BS-20. A Cabinet Committee constituted on 17.03.2020 reviewed the service structure of college teachers. The Provincial Cabinet, in its meeting on 24.12.2020, approved the four-tier promotion structure while rejecting the time-scale option due to financial implications. Accordingly, the Finance Department, vide advice dated 30.06.2021, implemented the four-tier structure and created 41 new posts of Professor (BS-20) through upgradation. The petitioners' request for a time-scale up to BS-21 is untenable, as the post of Professor (BS-20) is a selection post filled on merit under the four-tier formula. The higher post of BS-21 does not fall within the time-scale or four-tier structure and requires fulfillment of specific eligibility and merit criteria. Therefore, the petitioners do not meet the prescribed conditions, and their request for time-scale or promotion to BS-21 is not maintainable.

6. It is well settled that while Article 199 allows High Court review of Cabinet decisions for reasons like lack of authority, constitutional violation, or bad faith, however, none of these apply here, as the petitioners have adequately been compensated by the decision of the Cabinet and this Court, does not see any reasonable justification to turn down the decision of the Cabinet approving the four-tier formula, therefore, the petition lacks merit and is liable to be dismissed because the Cabinet of Sindh has already provided sufficient relief through the four-tier formula, and the matter may not be prolonged further.

7. This petition is accordingly dismissed with pending application(s).

HEAD OF CONST. BENCHES

JUDGE