

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D – 3966 of 2026
(Ali Sher Jakhrani versus Federation of Pakistan)

DATE

ORDER WITH SIGNATURE OF JUDGES

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 06.08.2026

M/s. Manzar Bashir, Habibullah Masood and Imtiaz Ali Malik,
Advocates for the Petitioner.

Mr. Muhammad Akbar Khan, Assistant Attorney General.

ORDER

Adnan-ul-Karim Memon, J. Petitioner Ali Sher Jakhrani has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following relief: -

1. Declare that the failure of the Respondent to convene the meeting of the Central Selection Board (CSB), due in the 3rd week of October 2025 and again in the 3rd week of April 2026 in terms of Office Memorandum No. 3/1/2018-CP-6 dated 01.02.2019, is illegal, arbitrary and without lawful authority, and is violative of the Petitioner's fundamental rights.

2. Direct the Respondent to convene the meeting of the Central Selection Board (CSB), envisaged to be held in terms of Office Memorandum No. 3/1/2018-CP-6 dated 01.02.2019, immediately and in any event within thirty (30) days, and to place the Petitioner's case for promotion to BS-20 before the said Board for due consideration. In the event that convening the CSB meeting is not possible due to unavoidable circumstances, the Petitioner's case may be considered through circulation, for which numerous precedents are available, before the Petitioner's retirement on 12.08.2026.

3. In the alternative, and in the event the Petitioner's case is not considered before his retirement on 12.08.2026 for reasons not attributable to him, direct the Respondent to grant the Petitioner promotion / proforma promotion to BS-20 with effect from the date the vacancy was available but could not be considered due to not calling of the board meeting, together with all consequential benefits, in line with the principle laid down by the Honourable Supreme Court in Ghulam Qadir Thebo v. Government of Sindh.

2. Learned counsel for the Petitioner submits that the Petitioner, a BPS-19 officer of the Police Service of Pakistan (PSP), has approached this Court seeking directions to the Respondent for convening the overdue meeting of the Central Selection Board (CSB) and placing his case for promotion to BS-20 before the competent forum. It is contended that the Petitioner has been deprived of consideration for promotion due to administrative delays and failure of the Respondent to convene CSB meetings in accordance with the schedule prescribed under Office Memorandum No. 3/1/2018-CP-6 dated 01.02.2019, despite

availability of vacant posts in BS-20. Learned counsel submits that the Establishment Division was required to convene CSB meetings biannually, i.e., in April and October every year; however, since issuance of the said Office Memorandum, the prescribed schedule has not been followed, and several scheduled meetings remained upheld, causing serious prejudice to eligible officers. It is argued that instead of holding the required fifteen CSB meetings during the relevant period, only a few meetings were convened, resulting in denial of timely promotion opportunities to officers, particularly those inducted from Provincial Services who are adversely affected due to delayed consideration. Learned counsel further submits that the Respondent itself has repeatedly undertaken before various Courts that CSB meetings would be convened according to the notified schedule; however, despite such commitments, the Petitioner's case has remained unattended. It is argued that under the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, particularly Rule 8, the competent authority has a mandatory obligation to consider the cases of officers who fulfill the prescribed criteria for promotion. It is contended that the Petitioner was initially appointed as Deputy Superintendent of Police (BS-17) in Sindh Police in 1995 and was inducted into the Police Service of Pakistan in 2012. He was promoted to BS-19 in 2019 and has since completed all requisite conditions, including the required length of service, training and satisfactory performance, thereby becoming eligible for promotion to BS-20 w.e.f. 14.03.2025. The Petitioner has more than thirty years of service in BS-17 and above and fulfills the prescribed requirement for promotion to BS-20. However, his case could not be considered due to failure of the Respondent to convene the CSB meeting. Learned counsel submits that the Petitioner is due to retire on 12.08.2026 and any further delay would render his right to consideration for promotion ineffective and cause irreparable loss to his status, pensionary benefits and career record. Reliance is placed upon the judgment of the Hon'ble Supreme Court in *Ghulam Qadir Thebo v. Government of Sindh*, wherein it has been held that an officer cannot be deprived of promotion due to departmental delay and, where the officer is otherwise eligible, he is entitled to consideration from the date the vacancy became available along with consequential benefits. It is argued that denial of consideration for promotion despite eligibility amounts to an arbitrary exercise of authority, violates Articles 4, 9 and 25 of the Constitution, and defeats the principles of legitimate expectation and equal treatment, particularly when similarly placed officers have been granted due consideration. Learned counsel submits that the omission of the Respondent constitutes mala fides in law as it frustrates the object of the promotion rules and adversely affects the Petitioner's pensionary and service rights. Learned counsel, therefore, prays that this Court may direct the Respondent to immediately convene the CSB meeting and place the Petitioner's case for promotion to BS-20 before the competent authority,

preferably before his retirement as discussed supra. Alternatively, in case his case is not considered for reasons beyond his control, appropriate directions may be issued for grant of pro forma promotion from the date the vacancy became available, along with all consequential benefits, in accordance with law and the principles laid down by the Hon'ble Supreme Court in its various pronouncements. Learned counsel for the Petitioner relied upon Office Memorandum dated 05.08.2026, whereby the meeting of the Central Selection Board (CSB) for consideration of officers for promotion from BS-19 to BS-20 and BS-20 to BS-21 has been scheduled, and concerned departments have been directed to furnish requisite details by 10.08.2026. He submitted that since the Petitioner is due to retire on 12.08.2026, there is little likelihood of the CSB meeting being convened before his retirement, and relied upon the order passed by this Court in C.P. No. D-1516 of 2026 (*Raza Mian v. Province of Sindh & others*), wherein directions were issued for consideration of promotion before retirement and grant of pro forma promotion in case the process could not be completed for reasons beyond the petitioner's control. He prayed to allow this petition.

3. When confronted this legal position of the case to the learned Assistant Attorney General, who has assured that, the case of the petitioner is required to be considered in the light of decision of the Supreme Court in *Ghulam Qadir Thebo v. Government of Sindh* and law and in case if the CSB meeting is not convened before the Petitioner's retirement, his case needs to be considered in accordance with law. The request seems to be reasonable and acceded to.

4. We have considered the submissions of learned counsel for the parties, the relevant service record, and the assurance furnished on behalf of the learned AAG.

5. It is an admitted position that the Petitioner is a serving officer of the Police Service of Pakistan (PSP), presently holding the post of BPS-19, and has rendered more than thirty years of service in BS-17 and above. The record further reflects that the Petitioner was inducted into PSP in the year 2012 and was promoted to BPS-19 in 2019. He has completed the requisite length of service, mandatory training requirements and other prescribed conditions for consideration of promotion to BPS-20 and, according to his claim, became eligible for consideration w.e.f. 14.03.2025.

6. Under the Civil Servants (Appointment, Promotion and Transfer) Rules, particularly Rule 8 thereof, promotion of a civil servant is not an automatic right; however, every eligible officer possesses a fundamental / legal right to be considered for promotion by the competent authority in accordance with law.

7. The obligation of the State is to ensure timely consideration of eligible officers through the prescribed mechanism and not to defeat such right by administrative inaction, delay or failure to convene the CSB/DPC/PSB.

8. The Central Selection Board (CSB), being the statutory/competent forum for consideration of promotion from BPS-19 to BPS-20, is required to evaluate the suitability of eligible officers on the basis of their service record, performance, integrity and other prescribed criteria.

9. The Office Memorandum No. 3/1/2018-CP-6 dated 01.02.2019 issued by the Establishment Division provides for convening of CSB meetings on a biannual basis, normally in April and October each year, to ensure timely consideration of eligible officers. Such administrative instructions are intended to regulate the promotion process and protect officers from being prejudiced due to delay attributable to the department. Failure to convene the scheduled meetings cannot be permitted to operate against an otherwise eligible officer, particularly where such delay affects career progression of civil servants, pensionary benefits and status at the verge of retirement, more particularly in the case of the petitioner.

10. In the present case, the Petitioner's grievance cannot be termed as a claim for automatic promotion; rather, he seeks enforcement of his legitimate right of consideration by the competent forum before his retirement. Prima facie, this legal right cannot be denied at this stage when he is retiring in this month without consideration of his promotion in next rank.

11. This Court is conscious of the settled principle that judicial review under Article 199 of the Constitution does not extend to undertaking the function of the Selection Board or directing grant of promotion on merits. However, where an eligible officer is deprived of consideration due to administrative delay or failure of the authorities to perform their statutory duty, this Court can issue appropriate directions to ensure that the process is completed fairly, transparently and in accordance with law.

12. It is also relevant that the Respondent has issued an Office Memorandum dated 05.08.2026, whereby the meeting of the Central Selection Board for consideration of officers for promotion from BPS-19 to BPS-20 and BPS-20 to BPS-21 has been scheduled, and concerned departments have been directed to provide the requisite information by 10.08.2026. Thus, the competent authority has itself acknowledged the necessity of convening the CSB meeting. The Petitioner, however, is due to retire on 12.08.2026, leaving a very limited window for consideration of his case, for regular promotion in time.

13. In such circumstances, any failure to place his case before the CSB before retirement may cause prejudice which cannot be adequately compensated at a later stage.

14. The principle laid down by the Honourable Supreme Court in the case of *Ghulam Qadir Thebo v. Government of Sindh* is that an employee cannot be deprived of his legitimate service benefits due to delay or omission on the part of the department, provided that he was otherwise eligible and qualified for consideration. The fault or inaction of the administration cannot be allowed to adversely affect the service rights of an employee. The same principle has also been recognized in matters where an officer, otherwise eligible for promotion, could not be considered due to circumstances beyond his control, and consequential relief including proforma promotion was considered in accordance with law.

15. In view of the above legal position, the Respondent is required to ensure that the Petitioner's case is placed before the Central Selection Board in the forthcoming meeting for consideration strictly in accordance with the applicable rules, policy instructions and the criteria prescribed for promotion. As the consideration is the right of the civil servant for promotion. The CSB shall independently examine the Petitioner's case on its own merits without being influenced by these proceedings and shall take into account his entire service record, eligibility, length of service, performance evaluation reports and other relevant factors.

16. However, if, for any unavoidable reason, the CSB meeting is not convened or the Petitioner's case cannot be considered before his retirement on 12.08.2026 for reasons not attributable to him, the competent authority shall consider his case for grant of proforma promotion from the date he would have been considered eligible, subject to fulfillment of all legal requirements, availability of vacancy and his suitability for promotion, along with all consequential benefits, in accordance with law and the principles enunciated by the Honourable Supreme Court in *Ghulam Qadir Thebo v. Government of Sindh* and, by way of circulation.

17. It is clarified that such consideration for pro forma promotion shall not be treated as a direction for automatic elevation but as a protective measure to ensure that the Petitioner does not suffer solely because of administrative delay. The competent authority shall pass a speaking order after examining all relevant aspects of the matter, including the Petitioner's eligibility, vacancy position, recommendations of the competent forum, applicable promotion policy and the prevailing service rules.

18. In view of the assurance furnished by the learned Assistant Attorney General on behalf of the Respondent and the directions recorded hereinabove, the Constitutional Petition with the consent of the parties stands disposed of with the expectation that the Respondent shall act strictly in accordance with law, ensure timely consideration of the Petitioner's case before the CSB, and in the eventuality of non-consideration due to reasons beyond the Petitioner's control, shall examine the matter of proforma promotion in accordance with the statutory framework and the law laid down by the Honourable Supreme Court.

Let a copy of this order be communicated to the respondents for compliance in time.

JUDGE

JUDGE

Nadeem Qureshi PA