

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

**Constitutional Petition No. D – 4925 of 2021**

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**Order with signature of Judge(s)**

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1. For hearing of Misc. No.20201/2021 (Stay)
2. For hearing of main case

**04.10.2021**

Mr. Ali Asadullah Bullo, advocate for the petitioner  
Mr. Ali Safdar Depar, AAG  
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Learned AAG seeks some more time to file comments as anticipated from this Court's order dated 24.08.2021.

Learned counsel for the petitioner drawing Court's attention to the annexure 'I' (page 79), which is a working paper created for PSB-I (Provincial Selection Board) titled "Promotion to the post of Chief Engineer (Civil) (BS-20)" points out that while the respondent has admitted that there are seven sanctioned posts of Civil Engineers in Grade-20 and beside those, there are four more posts of Grade-20 available with the respondent department wherein three are Project Posts and one for Director General (CMIT). Learned counsel by referring to paragraph 2, points out that through the instant working paper the respondents have tried to diffuse and distort the distinction between sanctioned posts and Project Posts and have shown that four vacancies of Chief Engineer (BS-20), through the instant working paper, which in fact are only vacancies of Project Post and Director General (CMIT) whereas apparently as admitted in the opening paragraph of the working paper none of the seven sanctioned posts for Chief Engineers (BS-20) are vacant. Counsel contends that in such a disguise the respondents are contemplating to promote Superintendent Engineers (SEs) of Grade-19 to Grade-20 showing as if sanctioned post are available at the moment. Counsel further contends that the just process would have been that the respondents first make a seniority list of those in Grade-19 and thereafter promote them as per the seniority list without causing any confusion between the sanctioned post and the project post. Counsel contends that in fact certain

individuals falling in Grade-19 are being scoped for future vacancies, which are not available as none of the seven sanctioned Chief Engineers (BS-20) have since retired and if at all a promotion was to be made from Grade-19 to Grade-20 only three Project Posts and one Director (CMIT) post was available, which, however, have not been sanctioned. In these circumstances, counsel requests that to his knowledge the process has been initiated by the respondents with intend to promote Grade-19 SEs to Grade-20 sanctioned post and a request has made that until a transparent mechanism is presented to the Court, operation of the working paper to the extent of its use as anticipated therein be restrained till the next date of hearing.

Contentions raised by learned counsel for the petitioner merit considerations. While learned AAG seeks further time to file comments, the respondents are restrained from processing the promotion cases of BS-19 to BS-20 unless any sanctioned post is made available and information of the same is passed on to this Court through a statement.

To come up on **12.10.2021**.

JUDGE

JUDGE

Zahid/\*