

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

C.P. No. D-159 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
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Fresh Case.

1. For order on Misc. No.677/2022.
2. For order on office objection No.4 and 6.
3. For order on Misc No.678/2022.
4. For order on Misc No.679/2022.
5. For hearing of main case.

11.01.2022

M/s Malik Naeem Iqbal and Muhammad Saleem Khaskheli
advocates for the petitioners.

- 1) Urgency granted.
- 2) Learned counsel for the petitioner is directed to comply with the office objection within a week.
- 3) Granted subject to all just exceptions.

4&5) The petitioners are civil servants, seeking direction to the respondents No.1 to 3 to convene a meeting of the Departmental Promotion Committee (“**DPC**”) for consideration of their case for promotion from Assistant Engineer (BS-17) to the post of Executive Engineer (BS-18) in Public Health Engineering Department. Petitioners have also assailed the vires of recommendation made by the DPC in its meeting held on 06.1.2022 whereby the juniors of the petitioners were considered for promotion to the post of Executive Engineers in violation of Section 9 of the Sindh Civil Servants Act, 1973, principles of equity and fairness. It is, *inter alia*, contended on behalf of the petitioners that petitioners were appointed in the year 2018 as Assistant Engineers in Public Health Engineering Department (“**PHED**”); that their seniority was fixed by the respondent-Department vide notification dated 27.8.2021, however, the juniors of the petitioners i.e. respondents No.4 to 18 were considered for promotion whereas they have been left in the lurch. At this stage, we confronted the learned counsel for the petitioner that since the petitioners were appointed in the year 2018 through Sindh Public Service Commission (“**SPSC**”) and they have not completed the required tenure of five years’ service to claim regular promotion in BPS-18. Learned counsel replied to the query and submitted that respondents No.4 to 18 were also appointed in the year 2018; however, their cases were considered and accommodated in BPS-18 without any justification under the law. Learned counsel also attacked the formation of the committee and argued that

despite lack of proper quorum, they continued with the process of promotion and considered the candidature of the private respondents for further promotion in the next rank by counting their previous service, rendered in the Department towards their length of service, which is not permissible under the service jurisprudence. Learned counsel referred to the grounds raised in the memo of the petition and submitted that the impugned recommendation needs to be halted till it is clarified to this Court as to why juniors to the petitioners were considered for promotion in BPS-18. He lastly prayed for notice to the respondents.

To appreciate as to whether the private respondents have the requisite length of service to claim promotion to the post of Executive Engineer (BS-18) in the PHED; and, whether the DPC considered the case of the petitioners along with private respondents for promotion under law and policy of the Government of Sindh as introduced in the year 1984 or otherwise, let notice be issued to the respondents as well as to learned Advocate General Sindh for **26.01.2022**. Meanwhile, the competent authority shall lay off its hands to implement the minutes of the DPC meeting held on 06.1.2022.

Judge

Judge

Shahzad Soomro