

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.  
C.P. No.D-1686 of 2025

*Bashir Ahmed Pirzada & others Vs. Government of Sindh & others*

**DATE ORDER WITH SIGNATURE OF JUDGE**

**BEFORE:**  
**MR. JUSTICE MUHAMMAD SALEEM JESSAR**  
**MR. JUSTICE NISAR AHMED BHANBHRO**

**Petitioners:**  
Bashir Ahmed Pirzada  
& others  
Through Mr. Arshad Ali Keerio, advocate

**Respondents:**  
Province of Sindh  
& others:  
Through Mr. Rafiq Ahmed Dahri,  
Assistant A.G Sindh

Date of hearing &  
Decision  
23-10-2025

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**NISAR AHMED BHNABHRO, J.** Through instant petition, the petitioners have prayed for the following reliefs:

- “a) Declare that the Petitioners are entitled to promotion to the post of Deputy Director (BPS-18) in Agriculture Extension Wing in accordance with the Recruitment Rules prevailing prior to Notification dated 25.06.2025.*
- b) Declare that the Notification dated 25.06.2025 (Annexure "G") is illegal, void ab initio, and of no legal effect insofar as it retrospectively alters the criteria for promotion.*
- c) Direct the Respondents to issue promotion notifications in favour of the Petitioners forthwith, in accordance with the recommendations of the DPC dated 31.01.2025.*
- d) To restrain the Respondents from convening or proceeding with the DPC meeting scheduled for 08.09.2025*

*(Annexure "I") under the revised rules, until final adjudication of this petition.*

2. Learned counsel for the petitioners contended that the impugned notification dated 25.06.2025 was issued in violation of law, which hampers the promotion prospects of the petitioners to the next grade; that the petitioners, after qualifying the SPSC competitive examination, were appointed as Agriculture Officers (BPS-17) vide order dated 03.09.2021; that as per the seniority list issued in January 2025, the petitioners were entitled to promotion to the next grade; however, the impugned notification imposes an embargo of at least five years of service experience for promotion, thereby depriving the petitioners of their legitimate right. It is argued that the impugned notification, being *ultra vires* the law, is liable to be set aside.

3. Mr. Rafique Ahmed Dahri, learned Assistant Advocate General, submits that since the petitioners have challenged the vires of the rules, he proceeds to argue the matter without filing comments, as only a question of law is involved. He controverted the stance of the petitioners and argued that the making of rules and determination of method, qualification and eligibility criteria of appointment, promotion and transfer fell within the domain of the administrative department; that the alteration so made in the promotion criteria was done by exercising powers conferred under Rule 3 of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, (APT Rules) and therefore the same were well within the parameters of law, warranting no interference by this Court. He accordingly prayed for dismissal of the petition.

4. Heard arguments and perused the material available on record.

5. The Petitioners have challenged the notification dated 25.06.2025 through which the Agriculture Department has revised the method of appointment by way of promotion to the post of Deputy Director BS - 18 in Agriculture Extension Wing of the Department. It is the case of the Petitioners that the revision of rules has adversely affected Petitioners' right to expeditious promotion in grade 18. It transpires from the record that through the impugned notification, the method for appointment by way of promotion to the post of Deputy Director BPS-18 in the Agriculture

Department has been determined by exercising the powers vested in the department under Rule 3 of the APT Rules.

6. The Sindh Civil Servants Act 1973 (SCS Act) is the governing law regulating the civil service in province of Sindh. Legislation through section 26 of the SCS Act delegated the powers to Government or any person authorized by it in that behalf to make rules to carry out the purposes of the Act. Section 26 reads as under:

*26. Rules.- (1) Government or any person authorized by it in this behalf, may make such rules as appear to be necessary or expedient for carrying out the purposes of this Act.*

*(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.*

7. To deal with the matters ancillary to appointment, promotion and transfer, the Government of Sindh, in exercise of the powers conferred under section 26 of the SCS Act, made Sindh Civil Servants (Appointment, Promotion & Transfer) Rules 1974, (APT Rules) to lay down a mechanism for appointment, promotion and transfer of civil servants vide notification No. SOIX-Reg. (S&GAD)2/D/1073(3) dated the 28th March, 1974. Under Rule 3 of APT Rules methods for appointment to a post are provided, that is, by way of promotion or transfer and by way of initial appointment. Sub Rule (2) of Rule *ibid*, further delegates powers to the concerned department to determine the method of appointment, qualifications and other conditions applicable to a post in consultation with the Services and General Administration Department. Rule 3 of the APT Rules is reproduced below for the ease of reference:

*3.- (1) Appointments to posts shall be made by any of the following methods, namely-*

*(a) by promotion or transfer in accordance with Part II of these rules; and*

*(b) by initial appointment in accordance with Part III of these rules.*

*(2) The method of appointment and the qualifications and other conditions applicable to a post shall be as laid down by the Department concerned in consultation with the Services and General Administration Department.*

8. From the plain reading of above rule, it is crystal clear that the administrative department in consultation with the Services & General Administration Department is authorized to lay down the method of appointment and qualification and other conditions applicable to a post under its administrative control. By exercising the delegated powers, the Agriculture Department in consultation with Services & General Administration Department prescribed the method, qualification and other conditions for appointment by way of promotion to the post of Deputy Director BS - 18 vide impugned notification, which reads as under:

*“No. SO(A-I)DA-933/2017(Prov):- In pursuance of sub-rule (2) of rule 3 of the Sindh Civil Servants (Appointments, Promotion & Transfer) Rules, 1974, and in supersession of this Departments Notification No.SO(A-1)DA-933/2017 (Prov), dated 10.08.2020, and in consultation with the Regulation wing of Services, General Administration & Coordination Department, Government of Sindh, the method, qualification, experience and other conditions for appointment in respect of the posts in Agriculture Extension Wing of the Agriculture, Supply & Prices Department, Government of Sindh, mentioned in column- 1 of the table below, shall be as laid down in columns-2, thereof:-*

NAME OF POST WITH BPS	METHOD OF APPOINTMENT
1.	2.
<i>Deputy Director (BS-18)/ Senior Training Officer (BS-18) / Plant Protection Officer (BS-18)/ Senior Subject Matter Specialist (BS-18)/ Principal (BS-18) Senior Instructor (BS-18) / Assistant Publicity Officer (BS-18)/ Assistant Director Planning (BS-18)/ Superintendent (BS-18).</i>	<i>By promotion from amongst the Agriculture Officers / Research officers / Planning Officers / Instructor / Demonstrators (BS-17)/ Farm Managers (BS-17)/ Assistant Training Officers (BS-17) at Agriculture Extension Wing, having at least five (05) years' service, on seniority cum fitness basis.</i>

SECRETARY AGRICULTURE  
SUPPLY & PRICES DEPARTMENT”

9. The method and criteria for appointment by way of Promotion for the Post of Deputy Director Agriculture Extension that was in existence read as under:

8	<p><i>Deputy Director Agriculture Extension / Equivalent to BPS-18.</i></p> <p><i>(i) Agriculture Training,</i>  <i>(ii) Senior Training, Officer,</i>  <i>(iii) Plant Protection Officer,</i>  <i>(iv) Horticulturist,</i>  <i>(v) Monitoring,</i>  <i>(vi) Senior Subject Matter Specialist,</i>  <i>(vii) Principal Agriculture Training Institute,</i>  <i>(viii) Senior Instructor Agriculture Training Institute,</i>  <i>(ix) Planning &amp; Progressive Officer,</i>  <i>(x) Assistant Publicity Officer,</i>  <i>(xi) Assistant Director Planning,</i>  <i>(xii) Superintendent Horticulture Nursery (Agriculture Extension),</i>  <i>(xiii) Superintendent Garden (Agriculture Extension)</i>  <i>(xiv) Pest Scouting (Agriculture Extension),</i>  <i>(xv) Planning,</i>  <i>(xvi) Locust,</i>  <i>(xvii) Food Preservation,</i>  <i>(xviii) Major Corps,</i>  <i>(xix) Minor Crops</i></p>	<p><i>By promotion from amongst the Officers of BPS-17 of Agriculture Extension Wing viz:</i></p> <p><i>(i) Assistant Director Agriculture, (ii) Agriculture Officer, (iii) Research Officer, (iv) Planning Officer, (v) Instructor, (vi) Demonstrator, (vii) Pest Scout, (viii) Farm Manger, (ix) Agriculture Training Officer, possessing degree of M.Sc. (Agriculture), having at least five (05) years experience as such or as may be prescribed by the Government from time to time on seniority cum fitness basis.</i></p>
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10. From the perusal of both the notifications referred above, it can be deduced that the variation in the method of appointment by way of promotion has further relaxed the promotion criteria, as in the existing criteria for getting promotion in grade 18, the qualification of Masters was

mandatory, whereas this restriction has been lifted under the revised policy, opening a room for promotion of the employees who do not possess Masters' degree. The revised rules are general in nature and do not favour any particular class of persons. Rule 3 of the APT Rules empowers the administrative department to determine the method of appointment, either by initial appointment or by promotion, in consultation with the Services and General Administration Department, Government of Sindh. Such powers are general in nature and not fettered by any condition prescribing the manner in which the rules are to be framed.

11. The legislation in its own wisdom has granted abridged powers to the Government to deal with the case of any civil servant in the manner which appeared to be just and proper. Section 24 of the SCS Act empowers the government to deal with the case of any civil servant in any manner, however in case where the SCS Act and Rules are applicable, the Civil Servant shall not be dealt in the manner which is less favourable to him when kept in juxta position to the provisions of SCS Act and Rules. Section 24 of SCS Act reads as under:

*24. Saving. Nothing in this Act or in any rule shall be construed to limit or abridge the power of Government to deal with the case of any civil servant in such manner as may appear to it to be just and equitable:*

*Provided that where this Act or any rule is applicable to the case of a civil servant, the case shall not be dealt with in any manner less favourable to him than that provided by this Act or such rules.*

12. Appointments, promotions, and transfers are internal affairs of the administrative department, and it is within their prerogative and dominion to prescribe methods, criteria and qualification for appointment by way of promotion or through initial appointment. It is for the department to determine the eligibility criteria for a particular post, as the concerned department knows about the work intended to have been done by the incumbent officer. This Court, in exercise of its writ jurisdiction, sparingly interferes with the internal administrative functions of a department unless it is demonstrated that the action taken by the authority is contrary to law or

that the proposed amendment is person-specific to do undue favour to a particular group of employees. Institutional autonomy demands judicial restraint in such matters, and respect for such autonomy is the cornerstone and spirit of constitutional governance, which must be maintained by all organs, including the courts.

13. Adverting to the prayer of the Petitioner for grant of promotion, it is a settled principle of law that promotion cannot be claimed as a matter of right; it depends upon seniority-cum-fitness, and the determination of seniority and fitness lies within the competence of the department. Since through the impugned notification the method and qualification for appointment by way of promotion to the Post of Deputy Director Agriculture Extension BPS-18 has been determined by the administrative department in consultation with the Services and General Administration Department, in compliance to Rule 3 of the APT Rules, 1974, which squarely fell within the dominion of the administrative department. The alteration so made, did not hinder the progression of the petitioners, the Petitioners will be eligible for promotion upon completion of five years' service, which even was a precondition for promotion in the criteria in the earlier notification.

14. It is axiomatic that Rules being subordinate or delegated legislation, are framed under the authority of the parent statute, and are therefore subservient to the primary legislation. Rules cannot contradict or add to the clear provisions of the parent statute. The impugned notification dated 25.06.2025 was in subservient to the primary legislation viz. Sindh Civil Servants Act 1973. The legal requirements for giving effect to the subordinate legislation contemplated under Rule 3 have been complied with in prescribing the method, criteria and qualification for appointment by way of promotion to the post of Deputy Director BS - 18 Agriculture Extension in consultation with the Services, General Administration & Coordination Department Government of Sindh. The impugned notification did not in manner suffer from any illegality or infirmity. The Petitioners failed to point out how the impugned notification offended their fundamental rights warranting interference by this Court.

15. For the foregoing reasons, We are of the considered opinion that the impugned notification did not curtail the progression of the petitioners for promotion to next grade or offended their fundamental rights, as such no case for interference by this Court is made out. Consequently, the petition, being devoid of merits, is hereby dismissed along with listed applications.

JUDGE

JUDGE

Irfan Ali

Approved for reporting

23.10.2025