

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.D-3272 of 2025
along with CPs No. 3273 and 1837 of 2025

Date	Order with signature of the Judge
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CP No.D-3272 of 2025

Priority.

1. For order on Office Objections.
2. For hearing of CMA No.14117 of 2025.
3. For hearing of main case.

CP No.D-3273 of 2025

Priority.

1. For order on Office Objections.
2. For hearing of CMA No.14113 of 2025.
3. For hearing of main case.

18.09.2025

M/s. Malik Naeem Iqbal and Talha Abbasi, Advocates for Petitioner in CPs No.D-3272 and D-3273 of 2025 along with Petitioner.
Mr. Rashid Mahar, Advocate for Petitioner in CP No.D-1837 of 2025.
Mr. Muhammad Khalid Rana, learned DAG along with
Mr. Muhammad Hassan, Deputy Director (P and D), DPP-National Food Security and Research-NFSR.

CP No.D-3272 of 2025 and CP No.D-1837 of 2025, filed by Petitioner-Dr. Muhammad Tariq Khan and Waseem, respectively, are taken up, whereas CP No.D-3273 of 2025, filed by Petitioner is adjourned, which relates to Surplus Pool.

2. The facts of the above two Petitions are that the Petitioner-Dr. Muhammad Tariq Khan, who is working as a Director (Technical) in Plant Protection Department and Waseem son of Muhammad Ilyas, is a public spirited citizen, have challenged the appointment of Respondent No.3-Tahir Abbas, who has been appointed as Plant Protection Advisor and Director General (**A&DG**) (BPS-20) in the Department of Plant Protection (DPP). The Respondent No.3 (Tahir Abbas), originally belongs to Pakistan Customs and working in BPS-19 as Additional Collector Customs.

3. It is contended by Petitioner in CP No.D-3272 of 2025, that method of appointment, eligibility and academic qualifications are all mentioned in

the Notification dated 04.10.2021 (at page-55) and Schedule thereto (at page-61). As per this Notification/Rules, this Post of Advisor and Director General can be filled either through promotion, or initial appointment, but with the qualification as mentioned in the Schedule, which is reproduced herein under_

**“SCHEDULE
(See Rule-4)**

S.No.	Designation and BPS of the posts	Qualification and Experience	Age Limit	
			Min.	Max.
1	2	3	4	5
1	Plant Protection Adviser and Director General (BS-20)	(a) B.Sc. (Hons) (16 years education) degree Agriculture in Entomology/Plant Protection/Plant Pathology or equivalent qualification from University recognized by the HEC. (b) 17 years experience in the field of prescribed educational qualification.”	37 years	45 years

Contents that, the impugned Notification dated 15.01.2025 (in both Petitions) is illegal so also violative of earlier Order of this Court dated 09.04.2024 (at page-15), handed down in CP No.D-3764 of 2022, filed by the Petitioner-Dr. Muhammad Tariq Khan against the appointment of one Allah Ditta Abid. Averred that the new Law, viz. National Agri-Trade and Food Safety Authority Ordinance, 2025 (‘NAFSA’) although has been promulgated, but it has not come into effect, because, in terms of Section 34 whereof, a Notification is to be issued, which till date has not been done by the Federal Government. Has referred to Section 39-Transition period (at page-117), stating that_

“39. Transition period.-The trade-related functions performed by the Department of Plant Protection and the Animal Quarantine Department shall continue for a period not exceeding six months from the appointed date under section 34, during which the Authority shall make its regulations and appoint employees.”

4. Mr. Rashid Mehar, Advocate for Petitioner in CP No.D-1837 of 2025, has drawn our attention to the Service Rules (above Notification) and states that to become a Director (Technical) in BS-19, or the **A&DG** should have prescribed qualification as mentioned in the Schedule (*ibid*). Has referred to the Table in which the criteria for vertical promotion is mentioned, starting from Assistant Entomologist up to Advisor and Director General; compared the same with another post (at Serial No.4) of Senior Chemist (BS-18), which can be filled by a Chemist in (BS-17), for which the eligibility criteria is different from Entomologist.

5. The Petition is opposed by the learned DAG by referring to Parawise Comments. It is stated that already the entire Department is in transitory phase and will be taken over by NAFSA and both these Petitions would be infructuous. He has relied upon Section 10 of the Civil Servants Act, 1973, and states that it is the prerogative of the Federal Government to transfer, appoint and filled such post at its discretion.

6. Arguments heard and record perused.

7. In Parawise Comments, attempt has been made to justify the appointment of Respondent No.3-Tahir Abbas on the ground that he has rich experience in Pakistan Customs of over 20 years, in International Trade, including plant products. *Secondly*, it is stated that the appointment is temporary and the Petitioner-Dr. Muhammad Tariq Khan, is not eligible for the said post. It is mentioned in Parawise Comments that, due to various complaints received from international quarters, the Senior Officers of Respondent No.2 are under suspension.

The Parawise Comments apparently has confused the issue of present incumbent, that is, Advisor and Director General Plant Protection, with the position of Chairman to be appointed under NAFSA, which Law is yet to take effect, because till date the requisite Notification has not been

issued. However, it is not disputed that vide a Notification dated 25.08.2025 (Annexure R-2; page-235 of Affidavit of Rejoinder of Petitioner), a Governing Board has been constituted under the instruction of Prime Minister.

8. It is an undisputed factual position at present, that the Department of Plant Protection is still existing and is performing its functions, and till such time the Department is in existence, its Service Rules should be adhered to, which are contained in the above Notification of 04.10.2021.

9. In view of the above, since new Law-NAFSA has not come into effect and the Plant Protection Department is still in existence, the appointment of Respondent No.3 is in violation of the Rules / Notification dated 04.10.2021, because the Respondent No.3 does not possess the qualification and eligibility criteria mentioned therein. The Notification dated 15.01.2025 is set-aside. The Respondents, specially Respondent No.1, are directed to immediately appoint some Senior Most qualified person in the interim period, in line with the Order dated 09.04.2024 of this Court, issued in CP No.D-3764 of 2022 [Dr. Muhammad Tariq Khan versus Federation of Pakistan and others] (*supra*).

Only to the above extent, both Petitions (CP No.D-3272 of 2025 and CP No.D-1837 of 2025), are accepted. Pending Application(s), if any, in both Petitions is disposed of.

CP No.D-3273 of 2025 to be listed after three weeks.

JUDGE

JUDGE