

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.**

**C.P. No. D-1516 of 2026
(Raza Mian v Province of Sindh & others)**

Dated _____ Order with signature of Judge.

Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Sangi

Date of hearing and order:-13.04.2026.

Syed Muhammad Saulat Rizvi, Advocate for Petitioner.
Mr. Abdul Jalil Zubedi, AAG along with Mr. Asghar Mehar,
Focal Person, Home Department, Govt: of Sindh.

ORDER

Adnan-ul-Karim Memon, J Petitioner Raza Mian son of Khaleeq ur Rehman has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief: -

“a. Hold and declare that non finalization of provisional seniority lists of Prosecution Deputy Superintendent of Police for about two years, which has resulted in non promotion of Petitioner and other fit and suitable officers to BPS-18 (as Superintendent of Police) is illegal, void abinitio, arbitrary, capricious, malafide with ulterior motive.

b. Hold and declare that non finalization of Provisional Seniority Lists has reduced promotional and evolutionary prospects of Petitioner to BPS-18 without his fault whatsoever for which he cannot be taxed.

c. Direct the respondents to finalize provisional seniority lists of Prosecution Deputy Superintendent of Police within 30 days and conduct DPC for promotion to BPS-18 with a further direction to consider the Petitioner for promotion to BPS-18 (Superintendent of Police), before this retirement.”

2. The case of the petitioner is that he was initially appointed as a Police Constable on 28.07.1986. Subsequently, upon the advertisement of posts for Prosecuting Sub-Inspector, he applied through the proper channel and, after successfully completing all codal formalities, was appointed to the said post on 28.11.1995. After rendering the requisite service, he was promoted to the rank of Prosecuting Inspector on 12.11.2005. In recognition of his commendable service and conduct, the petitioner was further promoted to BPS-17 as Prosecution

Deputy Superintendent of Police (PDSP) on 26.08.2016. Following his promotion, he was duly reflected in the Final Seniority Lists issued from time to time. However, since 2022, no Final Seniority List for the rank of PDSP has been issued. In the Provisional/Tentative Seniority Lists dated 21.06.2024 and 19.11.2024, the petitioner was placed at Serial Nos. 9 and 7, respectively. The petitioner who is present along with his counsel submits that the non-finalization of the seniority list has resulted in the delay of promotions to BPS-18 Superintendent of Police from the Prosecution branch. While several Departmental Promotion Committee (DPC) meetings have been held for the Executive/Field/Operations side, resulting in the promotion of more than 120 officers, no officer from the Prosecution side has been promoted during the last two years, contrary to the established under police rule 12:1 promotion ratio twelve from the Executive side to one from the Prosecution side. It is further asserted that out of 16 sanctioned posts reserved for the Prosecution side in BPS-18, 14 posts remain vacant, thereby depriving the petitioner of his legitimate expectation of promotion, particularly as he is nearing retirement. Additionally, due to the shortage of qualified officers, a stop-gap charge of PDSP was assigned to an officer junior to the petitioner, which he challenged before the appellate forum without success. The petitioner maintains that the non-finalization of the provisional seniority list does not constitute a final order, and therefore, the remedy before the Sindh Service Tribunal is not available, leaving him with no alternate or efficacious remedy except to invoke the constitutional jurisdiction of this Court under Article 199 of the Constitution.

3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner was initially appointed as Police Constable and thereafter, being eligible, he was appointed as Prosecuting Sub Inspector vide office order dated 28.11.1995 through proper channel. It is further submitted that upon completion of the requisite service, he was promoted as Prosecuting Inspector on 12.11.2005, and subsequently elevated to Prosecution Deputy Superintendent of Police (BPS-17) on 26.08.2016 in recognition of his satisfactory service. It is contended that the petitioner was duly reflected in the final/provisional seniority list at serial No. 9 as SP Legal/AIGP Legal, subject to availability of post and fulfillment of criteria. However, despite seniority position and eligibility, his case has not been considered for further promotion, which is stated to be arbitrary and without lawful justification. He prayed to allow this petition.

4. Learned AAG submits that the list of SP Legal/AIGP Legal was issued by the Home Department on 06.04.2016, and thereafter the case of the 12 senior-most PDSPs, including the petitioner, has been initiated for consideration for promotion to the rank of SP/AIGP Legal (BPS-18) against the available posts. It is further stated that upon promotion, posting of officers will be made against the

respective sanctioned posts of SP/AIGP Legal. He further submits that the IGP Sindh has already forwarded the petitioner's case to the Home Department for consideration. However, a direction may be issued to the competent authority to consider the petitioner's case for promotion prior to his retirement due on 20.04.2026.

5. Heard the learned counsel for the petitioner as well as the learned Assistant Advocate General and perused the record with their assistance.

6. The petitioner's grievance essentially relates to non-finalization of the provisional seniority list and consequent non-consideration of his case for promotion to BPS-18 (SP Legal/AIGP Legal) despite his claim of seniority, eligibility, and availability of sanctioned posts in the cadre.

7. It is an admitted position that the petitioner was promoted to the rank of Prosecution Deputy Superintendent of Police (BPS-17) on 26.08.2016, and his name appears in the provisional seniority lists at relevant serial numbers. It is further not disputed that the process for consideration of eligible PDSPs, including the petitioner, for promotion to BPS-18 has already been initiated by the competent authority, and the matter is under consideration before the Home Department upon recommendations of the IGP Sindh.

8. In such circumstances, this Court is of the considered view that the matter pertains to consideration for promotion in accordance with seniority, availability of posts, and fulfillment of codal requirements, which falls within the exclusive domain of the competent departmental authorities. It is well-settled that while courts can ensure that eligible candidates are considered, they ordinarily do not substitute their own view for that of the departmental promotion authority, nor can they direct promotion as a matter of right unless clear violation of law, mala fide, or arbitrariness is established on record.

9. Since the process for consideration of the petitioner's case is already underway and his case admittedly forms part of the batch of eligible officers being processed for promotion, the appropriate course would be to ensure that his case is decided expeditiously and strictly in accordance with the applicable rules, policy, and seniority position, without any unnecessary delay, particularly keeping in view his approaching retirement.

10. In view of the above, this petition is disposed of along with pending application(s) with the direction that the competent authority shall consider the petitioner's case for promotion to the rank of SP Legal/AIGP Legal (BPS-18) in accordance with law, rules, policy, and seniority, preferably before his date of retirement, if otherwise found eligible. It is further directed that the exercise be

undertaken fairly, transparently, and without discrimination. In case it is not done before his retirement he shall be given proforma promotion accordingly.

Let a copy of this order be communicated to the competent authority for strict compliance in time.

JUDGE

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