

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-3181 of 2026
(Ghulam Murtaza Shah and others vs. Province of Sindh and another)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 21.09.2026

Mr. Talha Abbasi, Advocate for the petitioners
Mr. Abdul Jalil Zubedi, AAG

ORDER

Adnan-ul-Karim Memon, J. Through this petition, the petitioners have prayed for the following reliefs:

“i. Declare that the failure of the respondents to notify the promotion of the petitioners to the post of Audit Officer (BPS-17) despite their clearance by the DPC held on 09.03.2026 is illegal, arbitrary, mala fide and without lawful authority.

ii. Direct the respondents to notify the promotion of the petitioners to the post of Audit Officer (BPS-17) forthwith with effect from the date of accrual of vacancy along with all consequential benefits, back benefits, arrears of pay and allowances;

iii. Grant any other/further/additional relief(s) as this Court may deem proper in the circumstances of the case; and

iv. Grant costs of the petition.”

2. The case of the petitioners is that they are serving as Auditors (BPS-14) in the Directorate of Local Fund Audit, Finance Department, Government of Sindh, and were appointed regularly. They have passed the Subordinate Accounts Service (SAS) Examination, which is a mandatory qualification for promotion to the post of Audit Officer (BPS-17), and are also reflected in the relevant seniority list. Although some of their colleagues were promoted as Audit Officers vide notification dated 16.04.2024, the petitioners could not be promoted at that time due to non-availability of vacancies. It is urged that upon availability of vacancies in the promotion quota, their cases were placed before the Departmental Promotion Committee (DPC), which, according to the petitioners, considered and cleared them for promotion on 09.03.2026. They allege that despite such clearance and availability of vacancies, the respondents have failed to issue the promotion notification, thereby unlawfully withholding their promotion. They consequently seek a declaration that such inaction is illegal and arbitrary and a direction for issuance of their promotion notification with effect from the date of accrual of the vacancies, along with consequential benefits, arrears and allowances.

3. In comments on behalf of Respondent No.1, it has been stated that the petitioners' cases were duly placed before the DPC held on 16.03.2026; however, the minutes of the meeting are yet to be signed by the representative of the

Services, General Administration & Coordination Department (SGA&CD), who is a member of the DPC. It is further stated that upon signing the minutes, the same would be forwarded to the competent authority, i.e., the Minister for Finance, Sindh, for approval.

4. We have heard the learned counsel for the petitioners as well as the learned A.A.G. and have examined the record and the relevant provisions of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 (“APT Rules”).

5. The principal grievance of the petitioners is that, having acquired the requisite qualification, being borne on the seniority list and having been cleared by the Departmental Promotion Committee (DPC), they have acquired an enforceable entitlement to notification of their promotion to the post of Audit Officer (BPS-17).

6. Conversely, the AAG contends that the DPC proceedings are not yet complete, as the minutes have not been signed by the representative of SGA&CD and, therefore, the matter has not attained the stage where it could lawfully be placed before the competent approval authority.

7. At the outset, the mere eligibility of a civil servant for promotion, availability of a vacancy or even consideration of his case by the DPC does not, by itself, confer an indefeasible or vested right to promotion. The statutory scheme contemplates a sequence of consideration, recommendation and approval before a promotion can attain legal efficacy.

8. Under Rule 3 of the APT Rules, appointment may be made by promotion or transfer in accordance with Part-II of the Rules, while the method of appointment, qualifications and other conditions applicable to a particular post are to be determined in accordance with the prescribed service/recruitment rules. Rule 7(2) further provides that appointment by promotion to posts in Basic Scales 3 to 18, other than posts falling within the Provincial Selection Board regime, is to be made on the recommendations of the appropriate DPC. Thus, the DPC is a recommending body and not, by itself, the appointing authority. The relevant Rules 3, 4, 7-A(1) and 7(2) are reproduced as under: -

“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.

4. (1) The authorities competent to make appointment to the various posts shall be as follows:-

S. No. 1	Posts 2	Appointing Authority 3
1	Posts sanctioned in Basic Scales 1 and 2.	(i). Head of Office. (ii). Deputy District Officer concerned
2	Posts sanctioned in Basic Scales 3 to 5.	(i) Head of Office in Basic Scale 18 or above otherwise the next higher Officer in Basic Scale 18 or above. (ii) District Officer concerned.
3	Posts sanctioned in Basic Scales 6 to 8.	(i) Head of Office in Basic Scale 18 with special pay or in the higher post otherwise Regional Head of the Department or if there is no Regional Head, the Head of the Attached Department. (ii) Executive District Officer concerned.
4	Posts sanctioned in Basic Scales 9 to 11.	(i) Head of Office in Basic Scale 19 or above, otherwise Regional Head of the Department or if there is no Regional Head, the Head of Attached Department. (ii) District Coordination Officer concerned.
5	Posts sanctioned in Basic Scales 12 to 15.	(i) Regional Head of the Department if in Basic Scale 20, otherwise the Head of the Attached Department if in Basic Scale-20, alternatively the Secretary of the Department concerned. (ii) District/City Nazim concerned.
6	Posts sanctioned in Basic Scale-16.	Secretary concerned.
7	Posts sanctioned in Basic Scale-17 (excluding Civil Judges)	Minister concerned.
8	Posts sanctioned in Basic Scale-18 (excluding Deputy Commissioners, Superintendents of Police, Senior Civil Judges, and Additional District and Session Judges).	Chief Secretary.
9	Posts of Deputy Commissioners, Superintendents of Police, Civil Judges, Senior Civil Judges, Additional District and Session Judges sanctioned in Basic Scales 17 and 18.	Chief Minister
10	Posts sanctioned in Basic Scale 19 and above.	Chief Minister

Explanation.- A person appointed to a post mentioned in column 3 on a current charge basis or by way of additional charge shall be deemed to be the

appointing authority of the posts in Basic Scales mentioned there against in column 2.

(2) The Controlling authority in respect of travelling allowance of a civil servant shall be his Head of Office in Basic Scale 18 or above:

Provided that Secretaries to Government and any Officer of Basic Scale 20 and above, if posted as Head of an Attached Department or Regional Head shall be his own Controlling Officer.

7-A(1). The appointing Authority may approve the promotion of an Officer or official from the date on which the recommendation of the Provincial Selection Board or, as the case may be, the Departmental Promotion Committee is made.

(2) Notwithstanding anything contained in rule 31 of the Sindh Civil Services Rules, the Officer or official who expires or superannuates after the recommendations of the Provincial Selection Board or the Departmental Promotion Committee and before issuing the notification of promotion shall stand exempted from assumption of the charge of the higher post.

9. In the present case, the petitioners' claim rests principally upon the assertion that they were "cleared" by the DPC on 09.03.2026. However, the respondents have specifically controverted this factual position by stating that their cases were considered in the DPC meeting held on 16.03.2026 and that the minutes of the said meeting have yet to be signed by the SGA&CD representative, who is a member of the Committee. This discrepancy regarding the very date and status of the DPC proceedings is material and cannot be ignored. Unless the duly constituted DPC proceedings are finalized and a valid recommendation emerges therefrom, it would be premature to treat the petitioners as having acquired a completed right to promotion. The Finance Department has itself emphasized that promotions are required to be made against sanctioned and vacant posts, on the basis of DPC recommendations and by the competent appointing authority in accordance with the APT Rules and the relevant recruitment rules.

10. The statutory position becomes more explicit from Rule 4 read with Rule 7 of the APT Rules. The appointing authority for a post in BPS-17, excluding the specifically excepted judicial posts, is the authority prescribed under Rule 4; therefore, a DPC recommendation does not itself constitute the order of promotion. Rule 7 makes the recommendation of the DPC a necessary procedural step, but the actual appointment by promotion must thereafter be made by the competent appointing authority. Consequently, even assuming that the DPC has recommended the petitioners, such recommendation cannot be equated with a final order of promotion unless acted upon by the competent authority.

11. The respondents' explanation that, after the DPC minutes are duly signed, the matter will be forwarded to the competent authority for approval is, therefore, consistent with the statutory scheme, provided that the competent authority is indeed the competent appointing authority under the applicable and presently operative version of Rule 4 and the relevant recruitment rules. The administrative act of obtaining signatures on the minutes cannot, in itself, be treated as a device to defeat an accrued recommendation; nevertheless, it is a legally necessary part of completing the DPC proceedings where the constitution of the Committee

requires the participation/signature of its members. At this stage, therefore, this Court is not in a position to issue a mandatory direction to notify promotion as though the entire statutory process had already been completed.

12. The contention of the petitioners regarding their passing of the SAS Examination, their placement in the seniority list and the existence of vacancies is nevertheless relevant to their eligibility and consideration. These circumstances require the competent authorities to process their cases in accordance with the applicable recruitment rules and the APT Rules; they do not, however, dispense with the requirement of a valid DPC recommendation followed by approval of the competent appointing authority. In other words, eligibility for consideration is distinct from a legal right to be promoted. The statutory scheme recognizes consideration for promotion against an available promotional post, but does not convert such consideration into an automatic promotion.

13. As regards the petitioners' claim for promotion from the date on which the vacancies accrued, the relief, in the form prayed for, cannot be granted merely based on the date of occurrence of vacancy. The statutory scheme does not make the date of occurrence of a vacancy, by itself, the date of promotion. The question of the effective date of promotion is governed by the provisions of the APT Rules and depends upon a valid recommendation and approval. Rule 7-A is particularly relevant in this regard, as it empowers the appointing authority, subject to its terms, to approve promotion from the date on which the recommendation of the DPC was made. Rule 7-A recognizes the significance of the date of DPC recommendation, rather than treating the date of vacancy as automatically determining the date of promotion.

14. It follows that, even if the petitioners ultimately succeed before the competent authority, their claim to consequential benefits cannot presently be adjudicated on the assumption that promotion must necessarily relate to the date on which the vacancy first occurred. At the appropriate stage, the competent authority would have to determine the effective date of promotion strictly in accordance with Rule 7-A and the applicable service/recruitment rules. This Court cannot substitute the date of occurrence of vacancy for the statutory date governing actualization of promotion.

15. However, we are of the view that the administrative authorities cannot keep a duly eligible civil servant's case pending indefinitely after the prescribed process has been initiated. Once the DPC proceedings are finalized, the matter has to be transmitted to the competent authority for an expeditious decision in accordance with law. The respondents' own comments indicate that the only stated impediment is completion/signing of the DPC minutes and subsequent approval. Therefore, we expect the respondents to ensure completion of the statutory process within two weeks.

16. Accordingly, the petitioners' grievance is partly justified only to the extent that their cases, having admittedly been placed before the DPC and subject to completion of the proceedings, cannot be kept pending without lawful justification. The respondents are required to finalize the DPC proceedings, obtain the requisite approval of the competent appointing authority and thereafter issue appropriate orders in accordance with the APT Rules and the relevant recruitment rules. However, it is made clear that if the petitioners have in fact been validly recommended for promotion and there exists no lawful impediment, their cases shall be dealt with accordingly. Conversely, if the competent authority does not accept, remands or rejects the DPC recommendation, such decision must conform to the statutory framework and, where required, be supported by reasons/speaking order after hearing the petitioners. The Court, at this stage, cannot itself direct promotion merely based on the petitioners' eligibility, availability of vacancies or DPC clearance which is admittedly incomplete.

17. Consequently, the petition is disposed of in the aforesaid terms.

JUDGE

JUDGE