

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-729 of 2026

[Ali Anwar vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE MUHAMMAD JAFFER RAZA

Petitioner: By Mr. Meer Ahmed Mangrio advocate

Respondents By Mr. Rafique Ahmed Dahri, Additional A.G

Date of hearing 20.10.2026

Date of Decision 20.10.2026

O R D E R

ADNAN-UL-KARIM MEMON J:- The petitioner seeks proforma promotion to BS-20 with effect from 01.05.2025, together with consequential emoluments and pensionary benefits, and revision of the promotion notification dated 01.01.2026.

2. The case of the petitioner is that he was initially appointed as HST Science Teacher (BS-16) on 16.08.1989 and subsequently appointed as Subject Specialist Zoology (BS-17) in 1996 through the Sindh Public Service Commission. He was promoted to Assistant Professor/Senior Subject Specialist (BS-18) on 14.09.2018 and Associate Professor/Principal (BS-19) on 15.09.2021. His name appeared at Serial No.22 in the list of officers whose promotion cases were sought for consideration to the post of Senior Principal (BS-20), and at Seniority No.38 in the final seniority list dated 12.02.2025. The petitioner submits that, despite the Government policy dated 03.11.2022 requiring timely processing of promotion cases of officers nearing retirement, the respondents failed to process his case before his superannuation on 02.05.2025, although he had applied for promotion on 10.03.2025. He contends that his juniors, including Mr. Muhammad Yaseen Magsi, Mr. Amanullah Shah and Mr. Sayed Zafar Hussain, were subsequently promoted to BS-20, while a similarly situated female officer, Ms. Azra Yasmin Qureshi, was granted promotion shortly before retirement.

3. The learned counsel for the petitioner, alleging arbitrary and discriminatory treatment and attributing the denial of promotion to departmental inaction, the petitioner seeks proforma promotion to BS-20 with effect from 01.05.2025, together with consequential emoluments and pensionary benefits, and revision of the promotion notification dated 01.01.2026.

4. The learned AAG submits that the petitioner retired from Government service on 02.05.2025 upon attaining the age of superannuation. At the relevant time, only 19 vacancies were available for promotion to the post of Senior Principal (BS-20), whereas the petitioner stood at Serial No. 38 in the final seniority list of Associate Professors/Principals (BS-19). Thus, he was outside the zone of consideration for promotion. It is further submitted that the petitioner neither filed an appeal nor approached the Validation Committee constituted vide SGA&CD letter dated 03.11.2022 before his retirement. The matter was subsequently considered in the PSB-I meeting held on 23.12.2025, when the petitioner had already retired, and his case was accordingly deferred. The learned AAG further submits that the promotions of other officers, including Ms. Azra Yasmin Qureshi, were made in accordance with the applicable rules, seniority and available vacancies. Since the petitioner had neither acquired any vested right to promotion nor been denied promotion through any unlawful or discriminatory act, he is not entitled to proforma promotion or consequential monetary and pensionary benefits. Reliance on Article 25 of the Constitution is also misconceived, as the petitioner was not similarly situated to the officers promoted. Accordingly, the petition is devoid of merit and liable to be dismissed.

5. In view of the foregoing, without expressing any opinion on the petitioner's entitlement to proforma promotion, the matter is remitted to the competent authority for reconsideration of his case in accordance with the applicable rules, policy, seniority, parity with similarly situated officers, and availability of vacancies at the relevant time.

6. The competent authority shall examine whether the petitioner's case was duly considered in the light of the Government policy dated 03.11.2022 and pass a speaking order after affording an opportunity of hearing to the petitioner, within three months from the receipt of a copy of this order. The question of consequential monetary and pensionary benefits shall also be considered in accordance with law, if the petitioner is found entitled thereto.

7. The petition stands disposed of in the above terms.

JUDGE

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