

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1756 of 2025

[Dr. Nadeem Ahmed and another vs. Chancellor Universities and Boards and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE MUHAMMAD JAFFER RAZA

Petitioners: By Syed Shafique Ahmed Shah, Advocate

Respondent No.1 By Mr. Rafique Ahmed Dahri, Additional
A.G. Sindh

Respondents 2to7, 11&13to15: By M/s Abdullah K. Leghari and Sajjad
Ahmed Gurgaze, advocates

Respondents 8 to10, 12,16 & 17 None present

Date of hearing 21.10.2026

Date of Decision 21.10.2026

O R D E R

ADNAN-UL-KARIM MEMON J:- The petitioners seek a declaration that the transfer of employees to other departments of Mehran University and their consequent department-wise promotions are illegal and arbitrary, as they adversely affect cadre-wise seniority and confer undue advantage. They further seek to set aside the Selection Committee's decision dated 16.01.2019 regarding the seniority of Lab Supervisors (BPS-16), restoration of their original seniority in line with their batch-mates, and grant of promotions and consequential service benefits in accordance with their length of service and established seniority. They also seek correction of discrepancies in the implementation of promotion decisions, provision of an updated seniority list and a defined service structure for Lab Supervisors.

2. The case of the petitioners is that they were appointed as Lab Supervisors (BPS-16) in the Telecommunication Engineering Department, Mehran University of Engineering and Technology (MUET), Jamshoro, on 23.01.2013, after qualifying the prescribed tests and interviews. They claim to be Ph.D. qualified professionals who have been serving the University for several years. They contend that despite their seniority and qualifications, they were unlawfully denied promotion, whereas their juniors were promoted to BPS-17 in 2019 and subsequently to BPS-18 in 2024.

3. Learned counsel for the petitioners allege that the departmental promotion decision dated 16.01.2019 was selectively implemented, disrupting cadre-wise seniority and enabling junior employees, including those transferred to other departments, to gain undue promotional advantages. He particularly refers to the promotion of respondent No.9, who was appointed on 21.03.2016 but promoted on 25.05.2021, while the petitioners remained in BPS-16. He contends that the impugned actions violate the applicable seniority and promotion Rules and Article 25 of the Constitution. He submits that despite submitting representations to the concerned authorities, their grievances remain unresolved. They therefore seek restoration of their original seniority, promotion in accordance with law, provision of a defined service structure for Lab Supervisors, and cancellation of the impugned promotion decision and consequential actions.

4. Learned A.A.G., assisted by learned counsel for the respondent University, submits that the petition is not maintainable under Article 199 of the Constitution, as the grievance relates to promotion and seniority, matters governed by the University's statutory framework and departmental promotion policies. He adds that promotion is not a vested right and is subject to eligibility, sanctioned vacancies, departmental requirements, and recommendations of the Departmental Promotion Committee (DPC). It is contended that the petitioners' cases have neither been rejected nor ignored, while the promotions of private respondents were made on merit and in accordance with the applicable Rules. He emphasized that the Civil Servants (Seniority) Rules, 1993 do not apply to employees of the autonomous University, whose seniority is determined department-wise. It is further argued that no discrimination or violation of Article 25 has been established, the allegations of mala fide are vague and unsupported, and the petitioners failed to raise timely objections to the seniority lists circulated between 2019 and 2024. Their representations remain under consideration before the competent authorities, and no final adverse order has been passed. Accordingly, the petition is premature, misconceived, and liable to be dismissed.

5. We have heard learned counsel for the parties and perused the record with their assistance.

6. As per the recommendations of Committee meeting held on 10.09.2018, Lab Supervisors (BPS-16) possessing the prescribed relevant qualifications, five years' service in BPS-16, and the required ACRs, including three years' good performance, were considered eligible for promotion through the DPC, subject to available vacancies, with seniority to be determined department-wise.

7. The recommendations of the Committee dated 10.09.2018 prescribe relevant qualifications, five years' service in BPS-16, satisfactory ACRs and availability of sanctioned vacancies as conditions for consideration of Lab

Supervisors for promotion through the Departmental Promotion Committee (DPC), with seniority determined department-wise. Such recommendations, however, do not confer an automatic or vested right to promotion, which remains subject to fulfilment of the prescribed criteria and assessment by the competent authority. Nevertheless, the University was / is bound to implement its approved promotion policy uniformly and fairly, without arbitrary discrimination or departure from the prescribed seniority criteria. And the case of the petitioners, if found in line with the law and policy, their candidature needs to be considered with their batch mates without discrimination.

8. The objection regarding non-applicability of the Civil Servants (Seniority) Rules, 1993 may be sustained if the petitioners are governed by the University's own statutory service regulations; however, the University cannot disregard its applicable rules or approved policy. Similarly, the transfer of employees to other departments does not, by itself, establish illegality, but any consequential adjustment of seniority or promotion is required to be justified under the governing rules and must not unlawfully prejudice the legitimate seniority rights of employees within the relevant cadre. The petitioners claim cadre-wise promotion, alleging that the respondent University arbitrarily transfers and accommodates Lab Supervisors in other departments against available vacancies, reflecting its apathy towards their promotion rights, besides leaving them in lurch.

9. The alleged promotion of a junior employee, including respondent No.9, therefore, requires examination by the competent authority with reference to the relevant appointment dates, applicable eligibility criteria, vacancies, DPC recommendations and the rules governing interdepartmental transfers. Any established departure from these requirements may warrant corrective action by the competent authority. In contrast, the mere fact that a junior was promoted earlier would not, by itself, establish an enforceable right to promotion; however, that is subject to law and without discrimination.

10. As regards maintainability, although matters of promotion and seniority ordinarily fall within the University's statutory service framework and the constitutional jurisdiction under Article 199 of the Constitution is not intended to substitute the Court's assessment for that of the competent promotion authority, judicial review remains available where an action is shown to be without lawful authority, contrary to binding rules, discriminatory or otherwise arbitrary.

11. The petitioners' reliance on Article 25 of the Constitution is to be assessed against demonstrable unequal treatment of similarly situated employees, while allegations of mala fide require specific supporting material. Their failure to challenge seniority lists circulated between 2019 and 2024 may weigh against belated relief, subject to the nature of the challenge and any continuing unlawful

action; conversely, the pendency of representations does not, by itself, establish that the impugned actions are lawful. The aforesaid point of view must be addressed by the competent authority in time.

12. Since the respondents assert that the representations remain under consideration and no final decision has been communicated, the competent University authority needs to examine the petitioners' objections through a reasoned decision, verify the implementation of the Committee's recommendations dated 10.09.2018 and the decision dated 16.01.2019, reconcile the relevant departmental seniority lists, and determine eligibility for promotion strictly in accordance with the applicable service rules, approved policy, sanctioned vacancies and DPC procedure.

13. The petitioners' request for a defined service structure may also be considered by the competent statutory body in accordance with law.

14. Accordingly, without declaring the petitioners automatically entitled to promotion, the matter is remitted to the competent authority of the University for a speaking order within three weeks, after affording all affected employees an opportunity of hearing; any proven violation of the governing rules shall be rectified in accordance with law.

15. This petition stands disposed of in the above terms.

JUDGE

JUDGE

Karar-Hussain/PS*