

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4268 of 2026

[Rehmatullah Memon V. Province of Sindh and others]

Date	Order with signature of Judge(s)
------	----------------------------------

Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing and Order: 13.08.2026

Mr. Abdul Samee, Advocate for the Petitioner.

Mr. Ali Safdar Depar, AAG.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner, has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief:

“i. To declare that the inaction of the Respondents withholding, delaying, and denying consideration of the Petitioner's case for promotion to the post of Superintending Engineer (Civil) (BPS-19), despite his seniority, eligibility, and fulfillment of the prescribed qualifying service under the Sindh Council Unified Grade (Services) Rules, 2020, are illegal, arbitrary, discriminatory, without lawful authority, and of no legal effect.

ii. To direct the Respondents to convene the meeting of the Provincial Selection Board-II, and place the Petitioner's promotion for the post of Superintending Engineer (Civil) (BPS-19), strictly in accordance with law.

iii. To direct the Respondents to promote the Petitioner to the post of Superintending Engineer (Civil) (BPS-19) with effect from the date on which his immediate junior was promoted, together with all consequential service benefits, including seniority, pay fixation, arrears and all other ancillary benefits, in accordance with law.

iv. To direct the Respondents not to fill the existing or future vacant posts of Superintending Engineer (Civil) (BPS-19) during the pendency of this Constitutional Petition or, in the alternative, to make any such promotions for the post of Superintendent Engineer (BPS-19/Civil) subject to the final outcome of this Constitutional Petition.

2. Learned counsel for the Petitioner submits that the Petitioner, presently serving as Executive Engineer (Civil) (BPS-18), was appointed in 1995 and was promoted to BPS-17 in 2009 and BPS-18 in 2011. He submits that under the Sindh Council Unified Grade (Services) Rules, 2020, the Petitioner has completed the prescribed qualifying service for promotion to BPS-19 and, according to the final inter-se seniority list dated 08.01.2026, stands at Serial No.1, making him the senior-most eligible officer. He added that despite this, his case was not placed before the competent Promotion Board, whereas several officers junior to

him had already been promoted to BPS-19. Counsel further submits that although the Petitioner had earlier undergone a departmental penalty, the same was completed and formally declared exhausted in 2022, after which he was restored to his substantive post and continued to perform his duties satisfactorily. He contends that the Respondents have neither considered the Petitioner's case nor issued any speaking or reasoned order despite repeated representations, and have also failed to convene the Provincial Selection Board-II despite vacant posts being available. Such conduct, according to learned counsel, is arbitrary, discriminatory, contrary to the applicable service rules, and violative of Articles 4, 9, 14, 25 and 27 of the Constitution. It is therefore submitted that the Respondents are legally bound to consider the Petitioner's case fairly and in accordance with law, and that this Court may direct them to convene the Provincial Selection Board-II, consider his promotion to BPS-19, and grant him the consequential service benefits in accordance with law.

3. We have heard the learned counsel for the petitioner on the maintainability of the petition and perused the record with his assistance.

4. The Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, together with the applicable promotion policy for BS-18 to BS-21. Provides that the promotion mechanism requires consideration by the competent Promotion Board in accordance with the prescribed rules and criteria; seniority alone does not create an indefeasible right to promotion. We are of the view that the right to fair consideration where the officer is otherwise eligible, but the entitlement is subject to the absence of disqualifying circumstances such as inquiry or departmental proceedings. However, in the present case, petitioner entered into NAB VR in 2017. In *Suo Motu Case No.17 of 2016*, the Supreme Court treated an officer's voluntary return of illegally acquired gains as an admission having consequences in service law and directed departmental action against such officers. The cases of government servants who had entered into a plea bargain or VR with NAB could not simply be ignored for purposes of departmental action; in one such matter, promotion was deferred subject to the outcome of NAB proceedings. There is, however, an important later development which explained the statutory character of VR under Section 25(a) of the NAO, which is not deeming conversion and consequences. However, department still can reconsider the cases in accordance with law.

5. Consequently, the relief seeking a direction to convene the Provincial Selection Board-II specifically for the purpose of promoting the Petitioner, and particularly the prayer for retrospective promotion from the date of promotion of his junior with consequential benefits, needs to be taken care of by the department concerned by preparing working paper based on the law and keeping in view the

issue of V.R. of the petitioner in past. We have been informed that the PSB meeting has already been conducted, therefore, the case of the petitioner could not be sent to the PSB for consideration at this stage under Article 199 to compel promotion contrary to the governing service and accountability regime. The petition is, therefore, dismissed alongwith listed / pending application(s) in limine, leaving the petitioner to agitate his claim before the department at the first instance for the consideration in accordance with law.

JUDGE

JUDGE

Jamil

>>