

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

CP.No.D-4952 of 2025

(Dr. Ahmed Ali Zardari & another versus Province of Sindh & others)

DATE	ORDER WITH SIGNATURE OF JUDGES
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Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing and order:- 07th September 2026

Mr. Muhammad Arshad Khan Tanoli, advocate for the petitioner.
Mr. Abdul Jaleel Zubedi, Addl. A.G. Sindh.

ORDER

Adnan-ul-Karim Memon, J. The Petitioners have invoked the constitutional jurisdiction of this Court under Article 199, seeking directions to the Respondents to finalize the promotion rules, prepare the final seniority list, convene the Departmental Promotion Committee, and consider the Petitioners for promotion to BPS-19 strictly in accordance with law.

2. The case of the petitioners is that they were initially appointed as Medical Officer and Women Medical Officer (BPS-17) in the Sindh Prison Department on 10.10.2012 on the recommendations of the Sindh Public Service Commission. They have since performed their duties satisfactorily and maintained unblemished service records. Under the applicable service rules, the post of Senior Medical Officer (BPS-18) was to be filled through promotion from amongst Medical Officers (BPS-17) possessing the prescribed length of service. Although the Petitioners became eligible for promotion in 2017 and vacancies were available, their cases were not considered for several years due to administrative delay. Subsequently, the Departmental Promotion Committee recommended their promotion and, with approval of the competent authority, they were promoted as Senior Medical Officers (BPS-18) vide notification dated 12.06.2023. In 2021, a revised service structure for the Prison Health Staff was proposed, whereby new posts, including Chief Medical Officer (BPS-19) and Chief Women Medical Officer (BPS-19), were created and approved by the Chief Minister Sindh on 28.07.2021. Five such BPS-19 posts are reflected in the relevant Budget Books of the Sindh Prisons & Corrections Service. The Petitioners, having completed the prescribed service and being otherwise eligible for promotion to BPS-19 under the applicable promotion rules, repeatedly approached the Respondents for framing and notifying the recruitment/promotion rules for the newly created posts. The Inspector General Prisons also supported their grievance

and forwarded draft promotion rules to the competent authorities vide letters dated 24.05.2024 and 07.01.2025. However, Respondent No.3 has failed to finalize the rules and has kept the matter pending without lawful justification. Consequently, despite the availability of sanctioned vacant BPS-19 posts and the Petitioners having fulfilled the prescribed eligibility criteria, their cases have not been placed before the Departmental Promotion Committee for consideration. The Petitioners contend that such prolonged inaction and administrative delay amounts to denial of their lawful right to consideration for promotion, contrary to Section 9 of the Sindh Civil Servants Act, 1973, the applicable promotion rules, and the principles laid down by the Hon'ble Supreme Court. The Petitioners further contend that the Respondents have also failed to prepare/finalize the seniority list of Senior Medical Officers (BPS-18) in accordance with Rule 9 of the Sindh Civil Servants (Probation, Confirmation & Seniority) Rules, 1975. They apprehend that appointments or promotions against the vacant BPS-19 posts may be made by bypassing eligible Senior Medical Officers, including the Petitioners. Accordingly, the Petitioners have invoked the constitutional jurisdiction of this Hon'ble Court under Article 199, seeking directions to the Respondents to finalize the promotion rules, prepare the final seniority list, convene the Departmental Promotion Committee, and consider the Petitioners for promotion to BPS-19 strictly in accordance with law, and to restrain the Respondents from filling the BPS-19 posts by bypassing the Petitioners during pendency of the petition.

3. The learned AAG, on instructions from the department, informed this Court that the draft appointment rules had already been prepared and forwarded to the Home Department, Government of Sindh, vide letter dated 07.01.2025, followed by reminders dated 25.09.2025 and 29.10.2025.

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

5. Their grievance is that the appointment rules for the post of Chief Medical Officer (BPS-19) has not yet been finalized, thereby delaying consideration for the said post.

6. In view of the admitted position that the Petitioners were serving as Senior Medical Officers (BPS-18), had acquired the requisite service and eligibility for consideration against the newly created posts of Chief Medical Officer (BPS-19), and that sanctioned BPS-19 posts were available, the continued non-finalization of the appointment rules could not lawfully operate to indefinitely postpone their

consideration for promotion. The record further established that the department had already prepared the draft rules and forwarded the same to the Home Department on 07.01.2025, followed by reminders dated 25.09.2025 and 29.10.2025. Thus, the matter was not at the stage of initiation but had remained pending at the level of the competent authority without any sufficient justification.

7. The Court, therefore, found that the Petitioners had a legitimate grievance arising from prolonged administrative inaction. Although promotion itself is not an indefeasible vested right, a civil servant possesses a lawful right to be considered for promotion in accordance with the applicable rules, seniority and eligibility criteria. Such consideration cannot be frustrated merely because the competent authorities have failed to complete the rule-making process within a reasonable time. Administrative authorities are required to act fairly, reasonably and expeditiously, particularly where sanctioned posts exist and eligible employees are awaiting consideration.

8. However, the Court rightly refrained from directing the Petitioners' automatic promotion to BPS-19, as the formulation of appointment/promotion rules and the ultimate selection are matters falling within the lawful domain of the competent authority. The appropriate judicial relief, therefore, was to compel the authorities to perform their statutory and administrative functions within a definite timeframe, while leaving the subsequent selection process to be undertaken strictly in accordance with law.

9. Accordingly, in exercise of constitutional jurisdiction under Article 199 of the Constitution, this Court directed the competent authority to finalize the draft appointment rules for the post of Chief Medical Officer (BPS-19) within one month, whereafter the consequential process, including placement of the cases of eligible officers before the competent Selection Board, was to be undertaken in accordance with the finalized rules, seniority and eligibility. The direction was intended to ensure that the Petitioners' lawful right to consideration was not defeated by further administrative delay, while at the same time preserving the discretion of the competent authority to make the final selection strictly according to law.

JUDGE

JUDGE

