

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No.D-4934 of 2023

Date	Order With Signature Of Judge
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For hearing of CMA No.9335/2025. (Contempt)

10.09.2025

Mr. Ali Asadullah Bullo, advocate for the petitioner.
 Mr. Sandeep Malani, AAG, along with Abdul Aala Bhatti, Secretary ET & NCD,
 Aijaz Ali Soomro, Section Officer, Khalid Soomro, Section Officer, and Tehrim
 Jawahery, Law Officer.

In the case of C.P. No. D-6195/2023, this Court ruled that a previous notification and certain petitions did not affect the DPC meeting of November 30, 2022. Because this case is similar, the petition is allowed. The recommendations of the November 30, 2022, DPC for the petitioners should be submitted to the appointing authority for issuance of the appropriate orders within three weeks. An excerpt of the order dated 17.10.2024 is reproduced as under:-

".....As pointed out by learned counsel for the petitioners, the same ground taken by the same respondents has been rejected by a learned Division Bench of this Court in C.P. No.D-6195/2023 while allowing a petition by a colleague of the present petitioners. There, it has been held that the aforesaid notification and the constitution petitions referred to therein have no bearing on the D.P.C dated 30.11.2022. In such circumstances, the instant petition too is allowed. The recommendations of the D.P.C dated 30.11.2022 to the extent of the petitioners shall be placed before the appointing authority under the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974 for issuing appropriate orders within three weeks. Petition disposed of."

2. The petitioners' counsel argues that the respondents, who are accused of contempt of Court, have knowingly violated a Court order dated October 17, 2024. Instead of issuing a promotion notification for the petitioners to become Excise & Taxation Officers as directed, they issued a posting order on April 28, 2025. The counsel contends that this is a serious act of contempt and perjury and has requested that contempt proceedings be initiated against them.

3. The Assistant Advocate General (AAG) stated that, in compliance with the Court's order dated October 17, 2024, the Departmental Promotion Committee's (DPC) recommendations were submitted to the Appointing Authority. However, the Appointing Authority, who is the Minister of the Excise, Taxation, and Narcotics Control Department (ET&NCD), rejected the recommendations on December 2, 2024. The Minister explained that the DPC's recommendations were based on a disputed seniority list that had been withdrawn due to a previous Court order. The AAG added that a new DPC meeting held on September 8, 2025, considered the petitioners' cases for promotion to Excise & Taxation Officer (BS-17), where they were ranked at serial numbers 5 and 6. Based on these developments, the AAG

requested that the contempt application be dismissed, as their earlier contempt was also dismissed by order dated April 29, 2025.

4. We have heard the learned counsel for the parties on the listed application and perused the compliance report.

5. It appears that this petition was allowed because in a similar case (C.P. No. D-6195/2023), this Court ruled that a previous notification and constitutional petitions did not affect the D.P.C. meeting on November 30, 2022. This Court has ordered that the recommendations of the D.P.C. for the petitioners be submitted to the appointing authority, who must issue appropriate orders within three weeks.

6. In response to this Court order of October 17, 2024, the Departmental Promotion Committee (DPC) submitted its recommendations before the appointing authority. However, on December 2, 2024, the Appointing Authority (Minister of ET&NCD) rejected these recommendations of the DPC. The reason given was that the recommendations were based on a disputed seniority list that had been withdrawn due to this Court's order from September 14, 2023. However, a new DPC meeting on September 8, 2025, considered the petitioners for promotion to Excise & Taxation Officer (BS-17), ranking them at numbers 5 and 6.

7. The recommendations of a Departmental Promotion Committee (DPC) are advisory, not binding on the competent authority. The DPC assesses employees for promotion and recommends a panel of suitable candidates. However, the final decision-making power rests with the competent authority, which can accept, reject, or modify the recommendations. If they differ from the DPC's advice, they must record the reasons, though these may not be communicated to the officer. While a civil servant has no vested right to promotion, they have a right to be considered. Courts can intervene if a decision is arbitrary or in bad faith, but will not substitute their own judgment on an officer's fitness for promotion. In short, the competent authority has the ultimate power to approve promotions but must act fairly and with recorded reasons if they deviate from the DPC's advice. However, on December 2, 2024, the Appointing Authority (Minister of ET&NCD) rejected the DPC's recommendations. The reason for the rejection was that the recommendations were based on a disputed seniority list that had been withdrawn by a court order dated September 14, 2023.

8. Since the order has been complied with, no grounds for contempt exist, and the listed application bearing CMA No.9335/2025 is therefore dismissed.