

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 370 of 2019
[Rao Abdul Raziq v. Province of Sindh & others]

Before :

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Petitioner : In person

Respondent-2 : Through Mr. Ravi Kumar, Advocate

Mr. Rafiq Ahmed Dahri, Asstt: A.G.

Date of Hearing
& Decision: 09.12.2025

ORDER

ADNAN-UL-KARIM MEMON, J.- Through the listed Constitutional
Petitions, the Petitioner has prayed as under:-

- a. To pass orders to respondent No. 02 to 04 directing them to allow the next higher grade in BPS-17 to the petitioner, on consideration of the length of service for five years continuously performed by him in MUET Jamshoro by the petitioner and considering the required qualification of M.A. English and Master's Degree in Library Science passed during the year 2010.
- b. To pass orders to respondent No. 02 to 04 to waive off and remove the adverse remarks from the ACR's of the petitioner for the year 2013 till the year 2017, after adopting proper procedure as per rules and regulations, and send the same to Respondent No.01 for bringing up before the aspect meeting of Departmental Promotional Committee for consideration and orders of promotion from the post of Assistant Librarian BPS-16 to the post of Assistant Librarian BPS-17 with retrospective effect.
- c. To pass orders to the respondent No. 02 to 04 to consider the provisional Seniority list of Assistant Librarian BPS-16 issued by Deputy Registrar (Admin) vide reference No. CEAD/Estt:/489/2016 dated: 09-09-2016 and act accordingly.
- d. To pass orders to Respondent No.01 directing him to constitute departmental promotion committee consisting upon Deputy Secretary Education, and literacy department government of Sindh Karachi including respondent No.02 to 04 to call for to hold the meeting of D.P.C (Departmental Promotion Committee) within prescribed period of 03 month in connection with promotion of the most senior officers/officials on merits after considering Repatriation /Reversion of change of cadre by bringing their service in original posts with immediate effect.
- e. Any other relief if deemed fit and proper by this Honourable Court may be granted in favour of the Petitioner.

2. Case of the petitioner is that he is presently serving as Assistant Librarian (BPS-16) at the Centre of Excellence in Arts & Design (CEAD), Mehran University of Engineering & Technology (MUET), Jamshoro; initially he was appointed as Library Assistant (BPS-07) by order dated 04.08.2003 passed the Director (P&D), FCAD Jamshoro and later-on keeping in view his qualification of B., he was granted BPS-11 on 08.07.2004. Subsequently, vide order dated 05.05.2011 he was promoted from Library Assistant (BPS-14) to Assistant Librarian (BPS-16) with effect from 26.03.2011; that at the time of his initial appointment, the petitioner was also directed to report for training regarding library operations through letter dated 13.08.2003. During service, his pay was duly fixed against the post of Assistant Librarian (BPS-16) vide notification dated 10-12-2013, followed by re-fixation of pay under the Federal Government's Office Memorandum dated 31-05-2013. In 2016, Respondent No.4 issued Provisional Seniority List of Assistant Librarians (BPS-16), in which the petitioner was placed at Serial No.1, confirming him as senior-most officer in his cadre. Additional Seniority Lists for various staff categories were issued on 09-03-2017, revealing several irregularities in appointments, promotions, cadre changes, and upgradations of numerous employees, many of whom were junior to the petitioner but were elevated to higher positions through irregular procedures; that employees originally appointed as Naib Qasid or Studio Attendant who were later shifted to technical or administrative cadres without fulfilling required qualifications or service conditions. Various junior officers to the petitioner were promoted to BPS-16 and even BPS-17, despite lacking the required service length, qualifications, or adherence to procedural rules. Multiple cases where cadre changes, promotions, and upgrades were made through so-called 10th Selection Committee, without clarity as to whether this committee was properly constituted or approved by the competent authority. The petitioner, having completed the required five years of satisfactory service in BPS-16 and holding relevant qualifications, including M.A. English and Master in Library Science (2010), submitted an application on 25-02-2016 for allowing him next higher grade (BPS-17). Respondent No.4, through letter dated 24-02-2016, stated that his case would be processed upon fulfillment of conditions such as availability of vacant post, completion of service length and satisfactory ACRs; that a post of Assistant Librarian (BPS-17) was available, and the petitioner had completed the required service length. However, adverse ACR remarks for the years 2013-2017 were never communicated as per rules and were used to deny him promotion. Although the petitioner submitted explanations when directed in 2018, his ACR record was neither corrected nor fairly evaluated. Instead of addressing the petitioner's legitimate promotion claim, the respondents relied on adverse remarks and ignored settled service rules requiring prior communication of such remarks for rebuttal. Consequently, the petitioner's movement to higher grade was unjustifiably withheld. Furthermore, in light of the judgment of Supreme Court dated 12-06-2013 in Criminal Original Petition No. 89/2011 and

subsequent decisions in Civil Review Petition No.193/2013, similar irregular promotions in government departments such as Hyderabad Municipal Corporation were cancelled, and officers were reverted to original posts. He submitted that this precedent directly supports his stance regarding illegal promotions and cadre changes at CEAD, MUET. Despite this, the respondents have not corrected the irregularities highlighted by the Petitioner; that on 15-02-2022, pursuant to orders of this Court in CP No. D- 344 of 2021, CP No. D-133 of 2021, and CP No. D-656/2021, CEAD now reconstituted as Shaheed Allah Buksh Soomro University of Art, Design & Heritage (SABS) issued an order reverting several employees who had been granted out-of-turn promotions or cadre changes. The petitioner was also reverted from Assistant Librarian (BPS-16) to Library Assistant (BPS-07), despite his seniority, qualifications, and lawful promotions spanning nearly two decades. He prayed to allow this petition.

3. Learned AAG assisted by the counsel for respondent university submitted that the reversion order dated 15-02-2022 was valid as the petitioner was not eligible for promotion due to adverse remarks in the Annual Confidential Reports (ACRs) for the years 2013 to 2017. The petitioner has also failed to produce his ACRs for the period from 2018 to date; therefore, no action could be taken as the petitioner has been repatriated to its original position in compliance with the judgments rendered by the Apex Court and this Court. He prayed to dismiss the petition.

4. In view of the above discussion, and without dilating further on the merits of the rival claims, it is noted that if, during the intervening period, the petitioner has become eligible for consideration for promotion in accordance with law, the respondents shall re-examine his case strictly on the touchstone of his length of service, seniority, and overall fitness. The respondents shall also ensure that any defects or deficiencies, particularly regarding ACRs, are addressed after affording the petitioner a fair opportunity of hearing, as required under the applicable rules. If, upon such reconsideration, the petitioner is found eligible in all respects, his case for promotion to a similar/higher position shall be finalized and brought to its logical conclusion strictly in accordance with the judgments of Supreme Court. In such an eventuality, the petitioner shall also be extended all consequential benefits, including seniority and service advantages for the intervening period, as may be permissible under the law. This exercise shall be completed within two months from the date of receipt of this order.

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

JUDGE

JUDGE