HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 2033 of 2025

[Tariq Mansoor Qureshi vs. Province of Sindh and Others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through M/s. Syed Tariq Ahmed Shah & Ms. Ehda Tariq Qureshi, Advocate
Respondents	Through Mr. Rafiq Ahmed Dahri, Addl. A.G.
Date of hearing	28.10.2026
Date of Decision	28.10.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- The petitioner through the instant Constitutional Petition has prayed as under :-

a) Direct respondents to award proforma promotion to the petitioner with effect from 11-12-2023, mentioned in notification dated 27-01-2025.

b) Direct the respondents to provide all service benefits to the petitioner from the date of proforma promotion with effect from 11-12-2023 and so also the retirement benefits according to promoted position.

c) Direct the respondents to treat the petitioner as Senior Chief Librarian (BPS-20) at the time of retirement/date of superannuation dated 29-03-2024.

2. The petitioner's case is that he was appointed as Librarian (BPS-17) on 30.09.1996, promoted as Senior Librarian (BPS-18) on 15.12.2006 and Chief Librarian (BPS-19) on 06.03.2020, and retired on 29.03.2024. He contends that, under the notification dated 29.12.2023, he was eligible for promotion to Senior Chief Librarian (BPS-20) on a seniority-cum-fitness basis, having completed the requisite 17 years of service in BPS-17. He asserts that the competent authority had approved the promotion and the Finance Department issued its notification on 26.12.2023; however, due to administrative delays, the promotion was not implemented before his retirement. Despite approaching the Chief Secretary, his grievance remained unresolved. He therefore seeks the grant of promotion and consequential benefits.

3. In its comments, the Secretary, College Education Department, contends that although the Finance Department agreed to the four-tier formula for Librarians on 26.12.2023, the Recruitment Rules for Senior Chief Librarian (BPS-20) had yet to be framed. The rules were notified on 31.07.2024, and the creation of posts and authentication of the audit copy were completed in May 2025. Since the petitioner retired on 29.03.2024, before the posts were incorporated into the service structure, he

could not claim retrospective promotion to a post that did not then exist. Accordingly, dismissal of the petition is sought.

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

5. In view of the foregoing facts and submissions, the controversy requires determination of whether the petitioner had acquired a legally enforceable right to promotion as Senior Chief Librarian (BPS-20) with effect from 11.12.2023, before his retirement on 29.03.2024, or whether such entitlement arose only after the creation of the post and notification of the relevant Recruitment Rules.

6. It is a settled principle that mere eligibility or expectation does not confer an indefeasible right to promotion; nevertheless, a civil servant cannot be deprived of a lawful service benefit merely because of administrative delay, if the competent authority had already approved the promotion and the applicable rules entitled him to such benefit.

7. In the present case, the Finance Department's approval of the four-tier formula on 26.12.2023 and the subsequent notification dated 27.01.2025 require consideration alongside the fact that the Recruitment Rules were notified on 31.07.2024 and the relevant posts were incorporated into the service structure in May 2025.

8. The question, therefore, is whether the notification dated 27.01.2025 expressly granted proforma promotion with effect from 11.12.2023 to similarly placed employees and whether the petitioner fulfilled the prescribed eligibility criteria on that date.

9. Prima facie no post, applicable Recruitment Rules, or competent promotion decision existed on the relevant date, retrospective promotion cannot be claimed merely on the basis of eligibility. In view of the above facts and circumstances of the case, we deem it appropriate to remit the matter to the competent authority to look into this aspect of the case of the petitioner and take decision as per law and policy after hearing the petitioner within three weeks. Accordingly, the captioned petition is disposed of.

Copy of this order be communicated to all concerned.

JUDGE

JUDGE

Karar_Hussain/PS*