HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1205 of 2026

[Dr. Fayaz Ali Rajpar Vs. Province of Sindh & others]

Before:

Justice Adnan-Ul-Karim Memon
Justice Muhammad Jaffer Raza

Petitioner:	Through Barrister Maria Bakhtawar Ali Rajpar, advocate.
Official Respondents:	Through Mr. Rafiq Ahmed Dahri, Addl. Advocate General and Mr. Siraj Ahmed Bijarani, Assistant Prosecutor General along with Dr. Waheed Ahmed Shaikh, CMO, SESSI, Hyderabad.
Respondent No.2:	Through Mr. Muhammad Aleem Arain, advocate.
Date of hearing	27.10.2026
Date of Order	27.10.2026

O R D E R

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ADNAN-UL-KARIM MEMON, J:- The petitioner has filed the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs:

> *"a. Declare that the action of the respondents regarding incorrect fixation of the petitioner's seniority is illegal, void and against the principles of natural justice.*
>
> *b. Declare that the petitioner is senior to the doctors placed above him in the Impugned Final Seniority List dated 20.05.2026.*
>
> *c. Set aside the Impugned Final Seniority List dated 20.05.2026 to the extent of the petitioner's placement below his juniors.*
>
> *d. Direct the respondents to correctly determine and refix the petitioner's seniority in accordance with law, merit and date of appointment.*
>
> *e. Direct the respondents to place the petitioner above all junior doctors and consider/promote the petitioner accordingly.*
>
> *f. That this Honourable Court may kindly be pleased to Grant ad-interim and interim injunction, restraining the respondents from acting*

upon, implementing, or holding any Departmental Promotion Committee (DPC) meeting based on the Impugned Final Seniority List dated 20.05.2026, during the pendency of this petition.

g. Direct the respondents to decide the petitioner's representations and objections through a speaking order within a time-bound period.

h. Grant any other relief deemed just and proper in the circumstances of the case."

2. The petitioner challenged the incorrect fixation of his seniority in the final seniority list dated 20.05.2026, seeking refixation of seniority and consideration for promotion.

3. The petitioner, serving as Resident Medical Officer (BPS-17) in Sindh Employees' Social Security Institution (SESSI), filed a constitutional petition challenging the final seniority list dated 20.05.2026, alleging illegal and discriminatory fixation of his seniority and denial of promotion to BPS-19. He contended that despite his appointment order dated 05.11.2010 and previous seniority position at Serial No. 28 in the final seniority list dated 13.11.2019, he was placed at Serial No. 58 in the subsequent provisional list, with several junior doctors ranked above him. He claimed that his repeated representations and objections remained undecided and apprehended that promotions would be made on the basis of the impugned list, causing irreparable loss. He therefore sought setting aside of the impugned seniority list, lawful refixation of his seniority, consideration for promotion in accordance with the applicable rules.

4. The respondents opposed the petition challenging the final seniority list dated 20.05.2026, contending that it is not maintainable under Article 199 of the Constitution due to disputed questions of fact, availability of alternate remedies, and delay. They maintained that the petitioner's initial date of joining was 22.11.2010, while 07.12.2010 was merely his posting date at Kotri Hospital, and that his seniority had been correctly determined under the Sindh Civil Servants Act, 1973, after considering his objections. They denied any illegality, discrimination, or violation of natural justice and asserted that no junior officer had been placed above him. However, citing an acute shortage of senior doctors and urgent administrative needs, the respondents requested permission to proceed with the Departmental Promotion Committee (DPC), undertaking to reserve one BPS-19 post for the petitioner from the date of the DPC, subject to the final outcome of the petition.

5. During proceedings, both parties finally agreed that the respondents would consider the petitioner's promotion in accordance with law, subject to his eligibility and fitness for the promotion post and availability of the vacancy.

6. Accordingly, without touching the merits of the case, the petition is disposed of with a direction to the respondents to finalize the seniority list first, if not earlier

decided, and consider the petitioner's case for promotion to the next higher grade/rank subject to his eligibility and fitness for the promotion post and availability of the vacancy within three weeks.