

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
**CP No.D-5585 of 2021**

Date	Order with signature of Judge
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*BEFORE: Irfan Saadat Khan,  
Agha Faisal, JJ*

1. For order on office objection
  2. For hearing of CMA No.23422/2021 (stay)
  3. For hearing of Main Case
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**16.12.2021:**

Mr. Ahmed Ali Ghumro, Advocate for the Petitioner.  
Mr. Ali Safdar Deepar, A.A.G. Sindh along with  
Dr. Liaquat Ali Abro and Nadeem Ali Qureshi, Law Officers,  
Law Department, Government of Sindh.

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**Irfan Saadat Khan, J.** The instant petition has been filed on the ground that the petitioner is entitled for proforma promotion as District Attorney in BS-19, therefore, the same may be granted to him.

Mr. Ahmed Ali Ghumro, Advocate has appeared on behalf of the petitioner and stated that the petitioner stood retired on 27.03.2021 but much before this period the case of the petitioner was approved for promotion from Deputy District Attorney (DDA) in BS-19 to District Attorney (D.A) in BS-19 and a notification in this regard was also issued on 25.3.2021. According to the learned counsel since a vested right with regard to the promotion was created in favour of the petitioner prior to his retirement, therefore, the Respondents were not justified in not granting the proforma promotion in BS-19.

Learned A.A.G. appearing for the Respondents has not controverted the fact that prior to the retirement of the petitioner he was recommended for promotion and a notification in this regard was also issued. The learned A.A.G has also conceded that the petitioner is entitled for proforma promotion in BS-19, he and the Law Officer appearing on behalf of the department however stated that no seat of

the D.A was vacant at the time of the notification hence the petitioner was not assigned the duty of D.A.

We have heard all the learned counsel at some length and have perused the record.

In our view the ground taken by the learned A.A.G. and the Law Officer that no post of D.A in BS-19 was vacant appears to be a fallacious as the petitioner has not demanded any posting as D.A hence the question of any seat lying vacant does not arise. The petitioner has only requested for proforma promotion in BS-19 as D.A which matter has already been recommended by the competent authority much prior to his retirement. Hence in our view if the petitioner is entitled for proforma promotion as D.A in BS-19 the same should be given to him in accordance with law. We therefore, allow this petition and direct the Respondent No.2 to issue a notification, if not issued so far, with regard to the proforma promotion of the petitioner as D.A in BS-19. Needless to state that all the emoluments, benefits, privileges etc. as available to D.A in BS-19 would become available to the petitioner, in accordance with law.

The petition stands allowed in the above terms.

JUDGE

JUDGE

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