

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P. No. D-821 of 2022**

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Order with signature of Judge(s)

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**Fresh Case**

1. For order on Misc. No.3744/2022
2. for order on office objection no.04
3. For order on Misc. No. 3745/2022
4. For order on Misc. No. 3746/2022
5. For hearing of main case.

**11.02.2022**

M/s. Shahab Sarki and Abdul Rashid Rajar advocates for the petitioner.

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1. Urgency granted.
2. Deferred for the time being.
3. Exemption application is granted subject to all just exceptions.
- 4-5. Petitioner is a civil servant currently serving in BPS-19, posted as Special Secretary, Local Government Department, Government of Sindh. Petitioner is aggrieved by and dissatisfied with the impugned letter dated 10.01.2022, whereby the Central Selection Board (CSB) has nonsuited him for further promotion and recommended his supersession in line with rule 8(A) of the Civil Servants Promotion Rules, 2019, on the premise that he failed to meet the required threshold of 70 marks. It is inter alia contended on behalf of the petitioner that the petitioner has an unblemished service record which spends over 17 years; he does not have any adverse remarks in his Annual Confidential Reports (ACRs) and all of his ACRs up till now have either been outstanding or very good which shows that petitioner has performed his duties with zeal and zest. Per learned counsel, the Central Selection Board was conducted whereby his case for promotion to BPS-20 was considered, however, the CSB in its opinion did not find the petitioner fit to be promoted to the next rank, however, the reasons have not been assigned which has caused heartburning of the petitioner. Per learned counsel, he was superseded on account of having short of required threshold mars but the fact is that he has never been informed for such deficiency which is violative of Rule 23 of Rules of 2019 as well as Article 4, 5,8,9,10A,14,19A, 25,37,38,240 and241 of the Constitution of the Islamic Republic of Pakistan. Learned counsel referred to various documents attached with the memo of the petition and submitted that the petitioner has been stopped to file an appeal/representation against the impugned decision which is violative of the fundamental rights of the petitioner. He prayed for a direction to the respondents to promote him from BPS-19 to BPS-20 with all pecuniary and ancillary benefits.

The question involved in the present proceedings is whether the supersession of the petitioner is in line with Rule 8(a) of the Civil Servants Promotion Rules, 2019; AND whether the recommendations of the CSB is in line in terms of rule 6 of the Civil Servants (Appointment, Promotion, and Transfer) Rules, 1973, AND whether the appellate forum has been provided on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade. Let notice be issued to the respondents as well as to DAG. In the meanwhile, the impugned letter dated 10.01.2022 is kept in abeyance. The parties are directed to come prepared and assist this Court on the aforesaid questions.

To come up on 17.02.2022.

JUDGE

JUDGE