

IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Salahuddin Panhwar

Mr. Justice Adnan-ul-Karim Memon

C.P. No. D- 1846 of 2020

S.M. Ghayas

Petitioner

Through : Mr. Ashfaq Rafiq Janjua.

Respondents No.1 & 2

Through : Mr. Ali Safdar Depar, AAG.

Respondent No.3

Through : Mr. Faraz Akhtar Soomro, advocate.

Date of hearing : **28.09.2021**

Date of Order : **28.09.2021**

ORDER

ADNAN-UL-KARIM MEMON, J. Petitioner is seeking proforma promotion in BPS-20 in Karachi Water & Sewerage Board (KW&SB).

2. Mr. Ashfaq Rafiq Janjua, learned counsel for the Petitioner has submitted that the petitioner had joined KW&SB in the year 1989 and served almost all of his service period in BPS-19. However, in the intervening, he was assigned Additional Charge of Director Bulk Recovery in BS-20 along with salary in the same grade vide office order dated 11.10.2019. It is urged by the learned counsel for the petitioner that his promotion as Deputy Managing Director was due for a long time and he ought to have been confirmed in BS-20, after serving at the said post successfully. However, Departmental Promotion Committee DPC in this regard was convened in the year 2019 but postponed due to a lethargic attitude on the part of the respondent-Board, and in the meanwhile, the petitioner reached the age of superannuation and he is now seeking proforma promotion.

3. We have heard learned counsel for the parties on the subject issue and perused the material available on record.

4. The concept of Proforma Promotion is to remedy the loss sustained by an employee/civil/government servant on account of denial of promotion upon his legitimate turn due to any reason but not a fault of his own. We are of the considered view that a civil/government servant is entitled to proforma promotion, once during his service, his promotion is approved by the Competent Authority and in the meanwhile, if he superannuates, he is entitled to all benefits as admissible under the law. Here the case of the petitioner is quite different, as he stood retired from service of KW&SB in the year 2020, and the DPC for promotion to BS-20 could not take place to consider his case. Besides he remained silent for the intervening period, except by moving two applications to the competent authority, the reason is obvious that he was enjoying the post in BPS 20 in violation of dicta laid down by the Honorable Supreme Court in the case of the Province of Sindh Vs Ghulam Fareed and others 2014 SCMR 1189.

5. No case of our indulgence is made out, the petition is accordingly dismissed.

6. These are the reasons for our short order dated 28.9.2021, by which we have dismissed this petition.

J U D G E

J U D G E

Shahzad Soomro