

# IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Adnan-ul-Karim Memon

## Constitutional Petition No.D-1171 of 2018

**Dr. Muhammad Javaid Iqbal  
and others**

Petitioners: Through Mr. Arshad Jamal Siddiqui, advocate

Respondent No.1: Through Mr. Abdul Jalil Zubedi, AAG

Respondents No.2 to 6: Through Malik Altaf Hussain, advocate

Date of hearing  
& Decision: 30.01.2023.

## ORDER

**ADNAN-UL-KARIM MEMON, J.** – Through the captioned petition, the petitioner seeks implementation of the office order dated 08.09.2011 issued by the then City District Government Karachi, Directorate of Human Resources Management, whereby the benefit of promotion to BS-18 under the four-tier formula was given to the general cadre Doctors, Medical Officers, Resident Medical Officers, Demonstrators, Dental Surgeon, Senior Registrars, Non-Teaching Cadre and petitioners seek similar treatment as meted out with their colleagues in terms of Article 25 of the Constitution.

2. Mr. Arshad Jamal Siddiqui, learned counsel for the petitioners, has referred to the order dated 16.02.2018 passed by this Court whereby he sought permission to withdraw the prayer clauses A, C, D, E, and H of this petition and pressed for prayer clause `B` only and submitted that petitioners have not been promoted since 2011 and even after the passage of substantial time, the post of petitioners has not been upgraded in BPS-18 and they are continuously pursuing their matter but no heed was paid by the respondents, compelling them to file the instant petition in 2018. He prayed for a direction to the competent authority of the respondents to award the benefit of the office order dated 08.09.2011 to the case of petitioners.

3. Malik Altaf Hussain, learned counsel appearing for respondents No.2 to 6, submitted that a letter concerning the promotion of the petitioners was sent to the Secretary, Local Government Department on 5.11.2020, a reply of which is still awaited. He further submitted that respondent No.1 was directed by this Court on

01.04.2021 to look into the matter and expedite the case of promotion of the petitioners as early as possible, however, nothing has been done to date. Learned counsel referred to the statement dated 1.4.2021 filed on behalf of KMC and submitted that KMC is pressing very hard in this regard a letter dated 5.11.2020 has been sent to the Secretary Local Government Department and the request was made for actualization promotion cases of KMC doctors under the four-tier formula, however, they have given the excuse of the paucity of funds and now it is for this court to decide the matter on merits.

4. Learned AAG has ensured that the Secretary, Local Government Department shall endeavor on the subject issue and to resolve the same by passing a speaking order on the representation of the KMC doctors for the actualization of their promotion under the four-tier formula. Be that as it may, we are only concerned whether the policy decision made by the competent authority could apply to the case of petitioners or otherwise and it is for the competent authority to look into the matter and decide under the law.

5. In the light of the above facts and circumstances of the case, we deem it appropriate to direct the Chief Secretary, Government of Sindh, to coordinate with the Secretary Health Department and Secretary Local Government to resolve the issue of promotion cases of doctors of KMC and doctors in the allied hospitals of KMC under the four-tier formula and if the petitioners are found eligible and qualified for promotion in the next rank, their cases be considered strictly under the law and policy, however, that arrangement is subject to availability of vacancy and other codal formalities as provided under the recruitment rules. The aforesaid exercise shall be undertaken within 01 month.

6. Petition stands disposed of in the above terms.

**JUDGE**

**JUDGE**