

IN THE HIGH COURT OF CIRCUIT COURT LARKANA

Constitution Petition No. D- 473 of 2024

Before;

*Muhammad Saleem Jessar J;*  
*Adnan-ul-Karim Memon, J;*

Date of hearing and order: 13.02.2025

Mr. Nazeer Ahmed Kolachi, Advocate for Petitioner.  
Mr. Liaqat Ali Shar, AAG.

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**ORDER**

**Adnan-ul-Karim Memon** The petitioner requests this Court to direct the respondent-Health Department, Government of Sindh, to Upgrade his post from BPS-09 to BPS-15 according to the Para-medics service structure, release any resulting back benefits, and issue his salary in BPS-15.

2. The petitioner, initially appointed as a Lab Technician (BPS-09) in 1989 (Annexure A), served diligently until his termination in 1991 (Annexure B). He was subsequently re-appointed as a Lab Assistant (BPS-07) later that same year (Annexure C) and served for approximately 17 years. In 2008, the respondent upgraded the salaries of staff, including those junior to the petitioner, while neglecting his service (Annexure D). The petitioner's father, and later the petitioner himself (in an application dated November 6, 2023 – Annexure E), sought redressal for this grievance, specifically regarding an upgrade after 36 years of service, but these attempts were unsuccessful. At this stage, we confronted him that the upgradation of the post is a policy decision of the Government of Sindh and how he claimed upgradation as a matter of right.

3. The petitioner's counsel argues that these actions have deprived him of his fundamental rights to a timely upgrade of his post to a higher rank. Having exhausted other remedies, he is now invoking the court's constitutional jurisdiction. However, he hasn't formally applied to the Department as a civil servant through proper channels. While requesting the disposal of this petition, his lawyer asks that the Department (Respondent No. 1) be directed to consider a future application from the petitioner. If this is the position of the case, the petitioner would submit this application within fifteen days. The Department concerned would then forward the application to Respondent No. 2, the competent authority, for a decision based on applicable rules and policy.

4. Disposed of accordingly.