

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D-4242 of 2017
(Niaz Muhammad & others v Province of Sindh & others)

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul_Karim Memon

Date of hearing and order:- 17.04.2025

Syed Shoa-un-Nabi advocate for the petitioners.
Mr. Ali Safdar Depar, AAG

ORDER

Adnan-ul-Karim Memon. J: The petitioners, Accounts Officers/Assistant Accounts Officers (BS-16/17) in Sindh Local Government Department, Karachi, were initially appointed as Accountants (BS-11) in the Sindh Council Unified Grades (SCUG) Service between 1983 and 1993, governed by SCUG Rules 1982. They claim discrimination as the Sindh Government upgraded Treasury Accountants from BS-11 to BS-16 in 1983, a benefit enjoyed by Accountants in other Sindh government departments (KDA, KWSB, Treasury, AG Sindh, Home Dept., etc.). The petitioners and other SCUG Accountants were denied this upgrade despite similar job roles, violating Article 25 of the Constitution. They argue entitlement to the same pay scale as their counterparts under Rules 13 & 14 of the SCUG Rules 1982. Despite repeated representations since 1983, their request for BS-16 has been denied, infringing their fundamental rights. Accountants in direct Sindh government departments have had BS-16 for a long, while SCUG Accountants were illegally deprived without justification. This petition seeks BS-16 for all in-service SCUG Accountants. The petitioners highlight that SCUG Doctors (2007) and Assistant Engineers (2006) received upgrades, showing discriminatory treatment towards Accountants. They cite two previous similar petitions (CP No D 3483/2010 and D 1062/2014) where this court ruled in favor of SCUG Accountants, directing BS-16 with back benefits from 1983, based on the principle of equal treatment (Hameed Akhtar Niazi case). Compliance orders in CP No. D 3483/2010 granted BS-16 w.e.f 10.01.1983, BS-17 selection grade w.e.f 06.09.1991, and BS-17 promotion w.e.f 16.06.1993 to some SCUG Accountants (including non-petitioners), yet the present petitioners were denied the same. The petitioners request this court to allow their petition on the same terms as CP No. D3483/2010 and CP No. D-1062/2014, declaring the denial of BS-16 unconstitutional and directing the respondents to grant BS-16 with back benefits from 10.01.1983 and further promotions to BS-17/18.

2. learned counsel for the petitioners submitted that the case is identical to previously decided petitions and requests disposal on the same terms.

3. The learned Assistant Advocate General (AAG) argued that the petitioners, having been appointed after 1983 and subsequently promoted to BS-16/17, are not eligible for the initial upgrade to BS-16 granted in 1983. The AAG further drew the court's attention to a later order issued under the Sindh Councils Unified Grades (Services) Rules 2020, which canceled all previous orders regarding the upgrade and change in nomenclature of Accountants and Assistant Accounts Officers, and mandated the recovery of any excess pay already received due to these orders.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. Given the AAG's statement regarding the petitioners' current pay scales (BPS-17 for #1-6, BPS-16 upgraded to BPS-17 for #7-13 & #15-18, and BPS-11 upgraded to BPS-17 for #14) and the cancellation of prior upgrade orders under the 2020 Rules, this court finds itself unable to order the petitioners' post upgradation under Article 199 of the Constitution of 1973. Consequently, this petition fails and is hereby dismissed.

JUDGE

Head of Const. Benches