

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-1216 of 2016
(Muhammad Azam Jalbani 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 21.4.2025

Mr. Haider Waheed advocate for the petitioner.
Mr. Mohsin Shahwani Additional Attorney General.

ORDER

Adnan-ul-Karim Memon, J: The Petitioner, a BS-18 Executive Engineer in Sindh's Works and Services Department since his 2011 promotion (initially appointed in 1987), held the sixth position on the 2015 seniority list for promotion to BS-19. While more senior colleagues were either promoted or had their cases deferred, the Petitioner's promotion was deferred in December 2015 by PSB-II. The reason cited was "serious allegations" concerning his alleged management of a concealed Notice Inviting Tender (NIT), stemming from a complaint by a Divisional Accounts Officer. However, the Petitioner asserted that this accusation was unfounded, as investigations conducted by the Anti-Corruption Establishment and two separate Superintending Engineers revealed no proof of a fabricated NIT, issued tenders, approvals, or executed work orders, thereby negating any claims of financial impropriety.

2. The learned counsel for the Petitioner contends that despite the absence of any pending disciplinary proceedings, the Petitioner's promotion was unfairly delayed. This delay occurred while officers junior to him were promoted, even those facing inquiries (for whom seats were reserved, unlike the Petitioner). The counsel cites previous court decisions in analogous cases and requests legal intervention against the Respondents' alleged bad faith and illegal actions, which purportedly violate the Petitioner's fundamental rights as enshrined in Articles 4, 9, and 25 of the Constitution. The counsel further argues that the unlawful deferment itself infringes upon these rights, that the allegations presented in the Working Paper were vague and unsupported by investigations, and that a promotion cannot be withheld solely based on a pending inquiry. Additionally, the counsel asserts that the Selection Committee failed to exercise due diligence, that even in cases of potential major penalties, a reserved seat should be maintained, that juniors were improperly promoted without reserving the Petitioner's rightful position (distinguishing between

suppression and deferment), and that the statutorily binding promotion policy was contravened.

3. The learned Assistant Advocate General (AAG) has informed the court that Mr. Muhammad Azam Jalbani was indeed promoted to Superintending Engineer (BS-19) as per the notification dated April 21, 2017. Based on this submission, the court has observed that the initial matter concerning petitioner's promotion appears to be resolved. The court has further directed the department to review the matter, considering that significant time has passed since 2016. If the issue was not resolved previously, the department is directed to resolve it in accordance with the law within a period of three months. Consequently, the petition stand is disposed of under these terms.

JUDGE

Head of Constitutional Benches