

THE HIGH COURT OF SINDH, KARACHI

Before:

Justice Mohammad Karim Khan Agha

Justice Adnan-ul-Karim Memon

CP No D- 5884 of 2021

(Jadam Gaju & others v. Province of Sindh & others)

Petitioners : through Mr. Muhammad Arshad Khan
Tanoli, advocate.

Respondents No. 1 to 4 Mr. Ali SAfdar Depar along with Iqbal
Ahmed Jumani, Additional Secretary
Colleges and Ihsanullah Leghari, Focal
Person college Education department.

Date of hearing: 15-05-2025

Date of order 15-05-2025

ORDER

Adnan-ul-Karim Memon, J., The petitioners request this Court to order the respondents to consider their case for a time-scale based higher grade incentive, aligning their treatment with teachers in Sindh's School Education, Baluchistan's and Gilgit-Baltistan's College Education, and the Federal Directorate of Education, as per the referenced letters and notification. They further request this Court to declare the Cabinet's decision of December 24, 2020, invalid due to the lack of consideration of the second Sub-committee's recommendations, submitting this violates Articles 4, 13, and 25 of the Constitution and the precedent set in *I.A. Sherwani V/s. Govt. of Pakistan (1991 SCMR 1041)*. Finally, they seek a directive for the respondents to grant time-scale-based higher grades to them and other College Education staff, mirroring similarly situated personnel in the Federation and other provinces, thus removing the existing disparity.

2. Qualified and long-serving Sindh Government College professors and librarians seek a time-scale based higher grade, similar to other educators, to address limited career growth and alleged discrimination after 14-25 years of service. Despite past assurances and a 2010 recommendation, they haven't received this benefit unlike other provinces. Limited promotions exacerbate this. Previous court action (CPD No. 2775/2011) aimed for a decision on a committee's time-scale recommendations, but the government then proposed a separate four-tier formula. The court clarified these should not be mixed. Despite court orders in late 2020 to approve the time scale, the government seemingly linked it to the four-tier system. A 2019 committee favored time-scale promotion, but a subsequent proposal faced finance objections and went to the Cabinet. On December 9, 2020, the Cabinet formed a sub-committee on the issue. However,

petitioners' counsel argued that the December 24, 2020, Cabinet decision approving the four-tier formula but rejecting time scale due to finances, ignored this sub-committee's recommendations (only notified later). Petitioners' counsel further argued this defied court orders against mixing the two systems, lacked proper consideration, and unfairly denied them benefits given to similar educators elsewhere, violating constitutional rights and legal precedent. He contended that the High Court has jurisdiction under Article 199 for this up-gradation issue (time scale), and they face irreparable harm if their request is not granted. He lastly prayed for allowing the instant petition.

3. The learned Assistant Advocate General (AAG) contested the petitioners' demand, stating that the Cabinet had already addressed the issue of time scale and the four-tier formula for College Teachers on December 24, 2020. While a revised four-tier promotion system was approved, the Cabinet deemed the time scale unviable due to substantial financial burdens, noting they had "carefully considered the report of the second sub-committee headed by the Minister for Education." The AAG further pointed out that the Finance Department had subsequently agreed to the four-tier structure with specific promotion ratios outlined in their letter dated June 30, 2021. Based on this, he requested the dismissal of the petition.

4. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

5. The petitioners seek a time scale for automatic pay raises based on seniority, unlike the government's four-tier formula that focuses on creating more promotional posts. The petitioner's counsel argues that the four-tier system does not address the financial disadvantage of long-serving, un-promoted staff.

6. It is well settled that while Article 199 allows High Court review of Cabinet decisions for reasons like lack of authority, constitutional violation, or bad faith, however, none of these apply here, as the petitioners have adequately been compensated by the decision of the Cabinet and this Court, does not see any reasonable justification to turn down the decision of the Cabinet approving the four-tier formula, therefore, the petition lacks merit and is liable to be dismissed because the Cabinet of Sindh has already provided sufficient relief through the four-tier formula, and the matter may not be prolonged further.

7. This petition is dismissed accordingly with the pending application(s).

JUDGE

HEAD OF CONST. BENCHES