

THE HIGH COURT OF SINDH, KARACHI

Before:

Justice Mohammad Karim Khan Agha

Justice Adnan-ul-Karim Memon

CP No D-4209 of 2020

(Asif Khursheed v. The Chairman Port Qasim Authority & others & others)

Petitioner : through Malik Altaf Jawed, advocate.
Respondents No. 1 to 3 Mr. Arshad Khan Tanoli, advocate
Advocate General
Respondent No.4 Ms. Zehra Sehar Assistant Attorney General
Dates of hearing : 12-05-2025
Date of order : 12-05-2025

ORDER

Adnan-ul-Karim Memon, J., The Petitioner requests this Court to order the Respondents to immediately adjust/promote him to at least Grade-15 in Port Qasim Authority (PQA) based on his higher qualifications.

2. Learned counsel argued that his computer literacy, graduate and diploma qualifications, and extensive experience, as detailed previously and evidenced by his repeated applications, make him eligible. Furthermore, he seeks a declaration that the Respondents have discriminated against him. He contended that his qualifications meet the criteria for Assistant or other Grade-15 (or higher) positions at Port Qasim Authority, and that the failure to consider his case, particularly as the son of a deceased employee, indicates bad faith and discrimination, rendering the department's actions legally void.

3. Learned counsel for the respondents acknowledged the Petitioner's appointment as a Security Guard (BPS-03) on a contract basis in 2009 under the Prime Minister's Assistance Package and its subsequent regularization. He denied the discrimination allegations, stating that appointments under this package are based on available vacant posts (BPS-1 to 15) at the time of appointment, not necessarily qualifications. He argued that the Petitioner's requests for promotion were not legally justified as they were outside his promotion channel as a Security Guard, whose promotion is based on seniority-cum-fitness as per PQAESR-2011. The Respondent's counsel states that the Petitioner is currently at serial number 60 on the Security Guard seniority list. He argued that the case of Bilal Haider Shafi is different. He contended that the Petitioner accepted the Security Guard position without grievance, and his current claim suffered from laches after 11 years of service. He asserted that promoting a Security Guard (BPS-03) directly to BPS-15 is not permissible under the rules and that the appointments cited by the

Petitioner were made based on the availability of vacant posts and merit at the time. He concluded that the petition is frivolous and may be dismissed.

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

5. The Petitioner with a B.Com, IT Diploma, and CIT certification, was appointed as a Security Guard (BPS-03) at Port Qasim Authority (PQA) in 2009 under the deceased son quota, following his father's long service despite having qualifications exceeding the requirements for higher-grade positions like Assistant (BPS-15), as per PQA service regulations, and despite demonstrating computer proficiency, his requests for an upgrade have been ignored. He highlighted instances where less qualified individuals were appointed to higher grades around the same time or later, alleging discrimination. Numerous applications and even a Citizen Portal complaint have yielded no positive outcome. He seeks this court's direction for his adjustment/promotion to at least Grade-15 based on his qualifications and the discriminatory treatment he has faced.

6. In view of the above facts and circumstances of the case, the request of the petitioner at this stage cannot be acceded to, after acceptance the post of security guard, therefore his request seems to be unreasonable, which is discarded as such this petition stands dismissed with pending applicaiton(s).

JUDGE

HEAD OF CONST. BENCHES

SHAFI