

THE HIGH COURT OF SINDH, KARACHI

Before:

Justice Mohammad Karim Khan Agha

Justice Adnan-ul-Karim Memon

CP No D-816 of 2015

(Zameer Ahmed Khan v. Province of Sindh & others)

Petitioner : through Mr. Muhammad Nishat Warsi
advocate.
Respondent No. 1 to 4 : Mr. Ali Safdar Depar Assistant
Advocate General
Dates of hearing : 08-05-2025
Date of order : 08-05-2025

ORDER

Adnan-ul-Karim Memon, J., The Petitioner urges this court to affirm his right to higher education increments. He further requests the court to order the respondents to award these increments from the date he submitted the required documents with the respondent department. Additionally, he asks the court to direct the respondents to resolve his outstanding increment requests and inform him of their decision. The Petitioner maintains that this petition is valid under Articles 4 and 25 of the Constitution because the respondent authorities have neglected to respond to his claim.

2. The Petitioner was initially appointed as a Junior School Teacher (JST) in 1980 and later promoted to High School Teacher (HST), obtained M.Ed. in 1988, and M.A. in Islamic History in 1989 with due permission. In 2009, he was posted to the Comprehensive Government Boys Higher Secondary School, Karachi, and promoted to HST (BPS-16). Despite a Sindh Government Finance Department Memorandum dated 07.07.2001 allowing advance increments for higher qualifications, the Petitioner, like other Education Department employees, has not received this benefit. He approached the relevant authorities in education department in 2011 through proper channels, including submitting required forms, but no action was taken. He asserted that his service book lacks any endorsement regarding these increments.

3. The Petitioner's counsel contended that the petitioner has been discriminated against the teachers in other parts of the province, have received these increments. He argued that his experience and qualifications entitled him to these additional increments according to government regulations. He prayed to allow this petition.

4. The learned AAG argued against the petition's merit and requested its dismissal, citing the discontinuation of advance increments for qualifications effective December 1, 2001 (Annexure-I). He pointed out that before this date,

such increments were permissible under the Office Memorandum dated July 10, 1991 (Annexure-II), but subject to specific conditions regarding the timing of qualification acquisition and the employee's pay scale. The AAG also submitted that the Administrative Department has the authority to approve these increments if the stipulated requirements are fulfilled by the petitioner.

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

6. The pivotal question is whether the Petitioner's M.Ed. and M.A. exceeded the necessary qualifications for his JST role when he earned them (1988/89) and for his subsequent HST promotion. If these degrees were mandatory, he seems to be ineligible for advance increments, which were meant for extra qualifications. His entitlement hinges on the Recruitment Rules in effect at the time he obtained the degrees. Despite the scheme's termination in 2001, any previously earned rights may still be valid. This aspect shall be scrutinized by the respondent department after hearing the petitioner.

7. Advance increments are extra pay raises for higher qualifications beyond the job requirements. The scheme was generally stopped on 1st December 2001. Before that, a 1991 rule (Annexure-II) allowed it for BPS 1-15 employees who got extra qualifications after joining or at the time of recruitment. The Petitioner got his M.Ed. (1988) and M.A. (1989) in BPS 1-15, so the old rules apply. However, if these degrees were needed for his JST job or later HST promotion, he might not qualify for *advance* increments. However, he applied in 2011, after the scheme ended, but any right he had would be from when he got his degrees. He also claims unfair treatment compared to other teachers. This discrimination issue shall also be addressed by the respondent department.

8. The record shows advance increments ended on December 1, 2001, but a July 10, 1991, rule allowed them for BPS 1-15 staff with extra qualifications, granted upon hiring or qualification, whichever was later. The Petitioner seemingly had the qualifications and applied within time, but was not heard even in 2011, and has since retired from service.

9. Given the 1991 rule for BPS 1-15 with extra qualifications, this petition is disposed of with the direction to the competent authority of respondents that the Petitioner's case for advance increments be reconsidered under the old rules applicable to him and, if he is found eligible, the same benefits be included in his pension within three months.

JUDGE

HEAD OF CONST. BENCHES

SHAFI