

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-1085 of 2017
(Dr. Niaz Ali Abbasi & another versus Federation of Pakistan & another)

Date	Order with signature of Judge(s)
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Before:
Justice Mohammad Karim Khan Agha
Justice Adnan-ul-Karim Memon

Date of hearing and order: 02.5.2025

Malik Naeem Iqbal advocate for the petitioners
Ms. Wajiha Mehdi, Assistant Attorney General
Mr. Ali Safdar Depar, Assistant AG

ORDER

Adnan-ul-Karim Memon, J. The petitioners request that this Court rule that the respondent No.1’s refusal to consider their Pakkistan Administrative Service (PAS) appointments, as per the 2014 Rules and despite the Sindh Government's endorsements/rcommendation, is illegal, unconstitutional, discriminatory, and unjust. They further ask this Court to order the Federal Government to promptly review petitioners’ PAS applications following Rule 7(2) of the 2014 Rules, based on the Sindh Government's prior recommendations.

2. The petitioners, experienced Grade-20 officers recruited through the Sindh Public Service Commission in 1992 with an unblemished record, submitted that they were/are eligible for Pakistan Administrative Service (PAS) appointment under the 2014 Amendment Rules notified on 10.2.2014, which reserved a quota for Provincial Civil Services (PCS) Officers. Despite the Sindh Government's recommendations in 2014 and 2015, the Federal Government has not acted upon, citing ongoing finalization of induction criteria through Federal Public Service Commission (FPSC). The petitioners submitted that this delay is unfair, discriminatory, infringes upon their service rights, and ignores the possibility of using existing induction rules. They request this court to declare the Federal Government's inaction illegal and order the immediate consideration of their PAS appointments in Federal Government based on the criteria setforth in the prevailing rules.

3. The petitioners' counsel argued that his clients met the criteria for PAS appointment as defined by the existing 2014 rules. He highlighted the February 10, 2014, SRO, which amended the 1954 Civil Service of Pakistan (Composition and Cadre) Rules, 1954 specifically Rule 7(2), outlining the eligibility of provincial cadre officers for PAS appointment based on their recruitment, experience, and the Provincial Government's recommendation. Therefore, he asserted, the petitioners were/are eligible for consideration. However, he informed

the court that one petitioner, Dr. Niaz Ali Abbasi, has since reached superannuation and will not be pursuing his case for PAS induction after his retirement. He prayed for allowing the petition of petitioner No.2 Pervez Ahmed Seehar.

4. The Assistant Attorney General submitted that although the 2014 Rules are acknowledged, the detailed criteria and procedures for inducting Provincial Management Service/Provincial Civil Service (PMS/PCS) officers into the PAS cadre are still under finalization, in consultation with the Federal Public Service Commission. However, at this stage learned counsel for the petitioner informed that new rules have been framed in 2021. Consequently, learned Assistant Attorney General argued that the petition is not maintainable under Article 199 of the Constitution for enforcement of the terms of service, as the petitioners' vested rights have not yet been violated, even though the February 10, 2014, SRO established the post-sharing arrangement between provincial and federal services.

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

6. The Grade-20 Sindh Ex-PCS officers have petitioned the court due to the Federal Government's inaction on the Sindh Government's recommendations for their appointment to the PAS. Their central submissions are that they satisfy the eligibility requirements of the existing 2014 rules and/or amended rules, making the Federal Government's delay, based on the pending finalization of separate induction rules, unjustifiable. Be that as it may, we are only concerned whether the Provincial Civil Service Officers have role of their induction in PAS cadre under 1954 Rules as amended upto date.

7. The Establishment Division, the federal body managing civil servants, issued a crucial Statutory Regulatory Order (SRO) on February 10, 2014. This SRO formally defined the quota or sharing of posts between Provincial Civil Services officers (like the petitioners) and the Pakistan Administrative Service. This regulation specified the number of federal positions reserved for provincial officers. The petitioners' counsel contended that the petitioners met the criteria of this established quota and should thus be considered for PAS appointments. Conversely, the Federal Government implies that while the quota exists, the specific procedures for inducting provincial officers into those reserved PAS roles are still being finalized.

8. The foundational 1954 Civil Service Rules govern Pakistan's civil service structure. Amended by the SRO, these rules established a formal route and quota for provincial officers' induction into the PAS, aiming for better career progression and provincial representation in the Federal Service. The 2014 rules

renamed the District Management Group to PAS and set quotas in the Federal Secretariat. They allow 30% induction into BS-19 via FPSC after five years in a cadre post, with BS-20/21 promotions also quota-based. The February 23, 2021, SRO 274(I)/2021 by FPSC as pointed out by the parties, approved by the Federal Government, details PMS/PCS to PAS induction rules, requiring the Establishment Division to request FPSC for BPS-19 vacancies with provincial/regional breakdowns. Strict eligibility criteria apply within a defined quota, integrating 7.5% open merit seats into provincial quotas. Sindh's 21% quota is split 40% urban and 60% rural, as per these newly amended rules.

9. In View of the foregoing, the provincial government recommended the petitioners for PAS induction in 2014 and 2015, yet the Establishment Secretary took no action under the prevailing rules, citing ongoing consultations with the FPSC, significant time passed in pursuing the case by the petitioners, and one of the petitioner retired during the proceedings. The subsequent issuance of SRO 274(I)/2021 by the FPSC further complicated the petitioners' position due to inaction on the part of respondent No.1 for the reasons best known to him, which are obvious, with continued inaction being viewed unfavorably regarding PMS/PCS officers' PAS induction. Consequently, this court is left with no option but to direct the Establishment Secretary to immediately act on the provincial government's recommendations for PMS/PCS officers' PAS induction if they meet the eligibility criteria for recommendation through the competitive process under the law without any sort of delay.

10. This petition is thus disposed of under these terms.

JUDGE

HEAD OF CONST. BENCHES