

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-3257 of 2014

(*Raeesuddin v Sindh Technical Education and another*)

CP. No. D-3258 of 2014

(*Arif Ali Ansari v Sindh Technical Education and another*)

CP. No. D-3259 of 2014

(*Balchand Oad v Sindh Technical Education and another*)

Date	Order with signature of Judge
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul-Karim Memon

Date of hearing and Order: 29.04.2025

Malik Altaf Jawed advocate for the petitioner.  
Mr. Muhammad Rizwan Saeed advocate for respondent No.2  
Mr. Ali Safdar Depar, AAG

ORDER

**Adnan-ul-Karim Memon, J:** The Petitioners were appointed as Accounts Assistants (BPS-11) in 1993 under the Director, Technical Education, Sindh Karachi. They were later transferred and designated as Data Processing Assistants (BPS-14) in 2010. However, they alleged that they had not received the BPS-14 salary effective from July 13, 2010. Furthermore, the petitioners claimed that the respondents issued a combined seniority list for the Accounts and Data Processing Departments without providing copies or notification to the employees. This amalgamation, they submitted, unfairly places junior Data Processing employees above senior Accounts Department personnel, thus violating their rightful seniority based on their initial appointment dates, as per Sindh Civil Servants (Probation, Confirmation, and Seniority Rules-1975). The petitioners asserted that the respondents have disregarded constitutional provisions and Rule 9 of the Sindh Civil Servants (Probation, Confirmation, and Seniority Rules, 1975), which allows for the maintenance of distinct seniority lists. The Petitioner averred that, having been originally appointed to the Accounts Department as an Accounts Assistant, their seniority cannot be merged with that of Data Processing Assistants. They argue that the fundamental differences in job nature and required qualifications make the Respondents' amalgamation of seniority lists a violation of natural justice.

2. The learned counsel for the petitioner argued that their job nature changed from Accounts to Computer work, for which they lacked the required qualification (Bachelor of Computer Science). He also contends that the respondents wrongly merged the Accounts and Data Processing Departments' seniority lists, placing junior Data Processing employees above senior Accounts personnel, violating their rights and seniority rules.

The petitioners seek the court's direction for BPS-14 salary payment since 2010, a declaration that their Accounts Department seniority cannot be merged with Data Processing Assistants, and an order for separate seniority lists for each department. Learned counsel argued that the fundamental differences in job nature and required qualifications make the Respondents' amalgamation of seniority lists a violation of natural justice.

3. Learned AAG assisted by the counsel for the respondent No.2, denies transferring the petitioner to a BPS-14 post or promoting them to BPS-14. He states the petitioner's allegations of a changed job nature are false and unsupported. The AAG also denies amalgamating the Accounts and Data Processing Departments, clarifying that the mentioned seniority list from 2012 was a draft for inviting objections and not a final, authenticated document. He asserts that the Petitioners continue to receive benefits according to their cadre and that no wrongdoing has occurred to affect the Petitioners' seniority or rights. He maintains that the respondent department has not merged the two departments' employees into a single seniority list. Learned AAG submitted that even if such an amalgamation occurred, it would have no legal standing in determining the seniority of officers under Rule 12(a) of the Sindh Civil Servants (Probation, Confirmation, and Seniority Rules, 1975). Therefore, he requests that this Court dismiss these petitions.

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. Petitioners were appointed as Accounts Assistants (BPS-11) in 1993. They were re-assigned as Data Processing Assistants (BPS-14) in 2010 following a departmental restructuring effective July 1, 2010. They claimed non-receipt of BPS-14 salary from July 13, 2010, and challenged a subsequent combined seniority list for Accounts and Data Processing, arguing it unfairly disadvantages senior Accounts staff and violates seniority rules and natural justice due to differing job roles. They seek BPS-14 pay and separate seniority lists. The AAG denies promoting them to BPS-14, dismisses the seniority list as a draft, and asserts no rights were violated, arguing any amalgamation would not impact seniority rules.

6. In view of the facts and circumstances of the case, coupled with the Respondent's admission that the contested seniority list was/is provisional and that the petitioners' assignment as Data Processing Assistants (BPS-14) was an adjustment, not a merger, therefore it is ordered that if the Petitioners wish to retain their original cadre, post, and seniority within the Technical Education Department, Sindh Karachi

(provided this department still exists and they have not merged into STEVTA since 2010), the Respondent department must hear the Petitioners. If their claim is valid on the subject issue, their original cadre and seniority, along with accrued service benefits, should be maintained according to the law. The competent authority of the respondents shall complete this process within three months after hearing the petitioners. Consequently, this petition is disposed of under these terms.

JUDGE

Head of the Const. Benches

Shafi