

# THE HIGH COURT OF SINDH, KARACHI

**Before:**  
**Justice Mohammad Karim Khan Agha**  
**Justice Adnan-ul-Karim Memon**

## **CP No D-6241 of 2018**

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

Petitioner : through Mr. Muhammad Nishat Warsi  
advocate.

Respondents No.1 to 4 : through Mr. Ali Safdar Depar Assistant  
Advocate General along with Farman Ali Khan,  
DMC Manghopir

Dates of hearing : 08-05-2025

Date of order : 08-05-2025

## **ORDER**

**Adnan-ul-Karim Memon, J.** The Petitioner requests this court to order the granting of BS-14 to him, effective from June 12, 2012, the date a junior was appointed to that grade. Furthermore, he asks the court to take action against Respondents 6-8 for their unlawful promotions to BS-14, 16, and 17, and to grant him a promotion to BS-17 with corresponding seniority and benefits from the dates his juniors were promoted.

2. Appointed as a Sub-Inspector (Health) BS-7 in 1988 and later promoted to Sanitary Inspector BS-14 in 2011, the Petitioner asserts his seniority was overlooked when Respondents 6-8 were unjustly promoted ahead of him. He points out that Respondent 6, a Muslim appointed to a minority-reserved Muqaddam post, was then promoted to Deputy Director without serving as Inspector. The Petitioner highlights that Respondent 7, appointed in BS-1 in 1989 (junior to him), became an ATO, and Respondent 8, initially in Education BS-7 and transferred to Health department as a Sub-Inspector (junior to the Petitioner, who had been a Sub-Inspector since 1988), also became an ATO. The Petitioner claims his promotion requests in 2002 and 2005 were ignored while his juniors advanced, and his eventual promotion to BS-14 in 2011 was unduly delayed. He also mentions a stalled 2016 DPC note sheet for his further promotion.

3. It is stated by the learned Counsel for the petitioner that the petitioner was appointed as Sub-Inspector Sanitary in the year 1988 (BS-7) and since then has not been promoted, whereas some other out-of-cadre persons have been placed as senior to the petitioner. He prayed for allowing the instant petition.

4. Learned AAG While admitting the appointment date, however, clarifies that the Petitioner was appointed as Sub-Inspector in BPS-07 on an ad-hoc basis on February 20,

1988 (order dated March 20, 1988, Annexure-1), and this ad-hoc appointment had not been regularized according to the available records. Furthermore, the Petitioner lacks a certificate in the relevant field. He also submitted that the seniority list provided by the Petitioner (Annexures 'B' to 'B2') is outdated (dated December 16, 2001) and was not prepared according to the proper rules and procedure. Regarding Respondent No. 06, Mr. Ashraf Imam, it is admitted that he improperly secured an out-of-turn promotion through external influence, lacking the legitimate right to promotion under the applicable rules and criteria. Considering these points, the AAG argues that the current petition lacks merit, justification, jurisdiction, and a valid cause of action, also being time-barred. Therefore, He requests to dismiss the petition summarily without granting any relief or imposing costs.

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

6. The respondent department submitted that the Petitioner's ad-hoc appointment since 1988, which has not been regularized, does not confer automatic promotion rights like those of permanent employees. Promotion typically requires specific qualifications, and the Petitioner lacks a relevant certificate, as highlighted. The provided seniority list is outdated and allegedly irregular, rendering it unreliable for promotion claims. Even if a junior's promotion was illegal, it does not ensure the Petitioner's promotion. Claims of delayed BS-14 promotion are weakened by the Petitioner's ad-hoc status and lack of certification. The "rule of parity" argument is also undermined by these factors. Consequently, the Petitioner's automatic entitlement to promotion is unlikely. Regularization and meeting the qualifications for the higher post are necessary prerequisites and as such this petition is dismissed.

JUDGE

HEAD OF CONST. BENCHES

SHAFI