

ORDER SHEET
THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-1206 of 2021

Date	order with signature of Judge(s)
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For hearing:

1. For order on office objection
2. For hearing of main case

Date of hearing and order; 18.6.2025

Mr. Malik Altaf Hussan advocate for the petitioner
Mr. Ali Safdar Depar, Assistant Advocate General, Sindh

ORDER

In the interest of justice, equity, and good conscience, the petitioners request that this Court issue the following orders:

1. *Declare that the respondents' failure to upgrade the posts of Sindh Colleges Laboratory Staff, as proposed in the summary dated March 20, 2018, and their failure to extend time-scale promotion benefits (as provided to Laboratory Staff in the School Education Department) is discriminatory, illegal, unconstitutional, mala fide, arbitrary, and a violation of the principles of natural justice, equity, and fairness.*
2. *Direct the respondents to eliminate the disparity and discrimination in the pay scale of similarly situated staff within the colleges of Sindh. Furthermore, we request that the court issue appropriate orders regarding the summary dated March 20, 2018.*
3. *As an alternative, direct the respondents to extend time-scale promotion benefits to the petitioners on the same terms as those admissible to the Laboratory Staff of the School Education Department.*

2. This petition highlights the discriminatory service structure and limited promotion opportunities for Laboratory Staff in Sindh's Government Colleges. The petitioners, led by the President of the Sindh Colleges Laboratory Staff Welfare Association, asserted that their members, who claim to be qualified and have unblemished records, are being denied their fundamental right to equal protection under the law. They submitted that the current three-tiered system (Lab Assistant BS-07, Senior Lab Assistant BS-09, Lab Supervisor BS-11) is inherently unfair. They pointed out that it offers no meaningful promotion avenues and deviates from the four-tier formula common in other government departments. They further submitted that efforts to upgrade these positions began in November 2016, culminating in a detailed summary, including justifications and financial implications, being sent to the Chief Minister on March 20, 2018. The petitioners pointed out to that the University Lecturers and Professors received upgradation and early promotions since 2007; that School Education Department Laboratory Assistants have also enjoyed time-scale promotions up to BPS-15 since 2010; besides the District and Deputy District Attorneys were upgraded in 2007; that Clerical Staff within the College Education Department

have been upgraded, unlike the Laboratory Staff; that Laboratory Staff in the School Education Department also receive time-scale promotions.

3. The petitioners' counsel argued that the Sindh College Laboratory Staff's current service structure is discriminatory and violates their fundamental rights. Despite a summary being submitted over two years ago, their grievances remained unaddressed. The core arguments presented by the counsel are that Laboratory staff in colleges are facing significantly fewer promotion opportunities than their counterparts in the School Education Department and clerical staff within their own department. Per learned counsel, this is a clear violation of Article 25 of the Constitution, which guarantees equal protection under the law, as similarly placed employees cannot be treated disparately regarding promotion prospects. The petitioners' fundamental rights, including treatment in accordance with law, equal protection, and inviolable dignity, as enshrined in Articles 4, 14, 18, and 25 of the Constitution, are being denied, he asserted. The authorities' inaction on the submitted summary is discriminatory, illegal, and unreasonable. He added that the Civil servants have a legitimate expectation of timely promotion, and suppressing this expectation by failing to establish a proper service structure amounts to a denial of lawful treatment under Article 4 of the Constitution. Petitioners' counsel submitted that under Articles 37 and 38 of the Constitution, the State is obligated to promote social justice and reduce income disparity. Therefore, the State must eliminate discrimination in promotion prospects for similarly situated individuals in public service. The existing disparities violate Articles 4, 25, 37, and 38, and the respondents must rectify this. He argued that the respondents' failure to provide a service structure comparable to those in other provinces or even other departments within Sindh constitutes discrimination and violates the petitioners' fundamental rights. This disparity, particularly with college employees, violates Article 25 of the Constitution and necessitates judicial intervention. He submitted that the petition concerns the service structure and discrimination faced by the petitioners, which does not fall within the terms and conditions of service. Thus, the bar under Article 212 of the Constitution is not applicable. He prayed to allow the petition.

4. The Assistant Advocate General (AAG) provided the government's perspective on the laboratory staff's service structure and promotion, asserting that the petition may be dismissed. The AAG highlighted that college laboratory staff currently operates under a three-tiered system: Laboratory Assistant (BPS-07), Senior Laboratory Assistant (BPS-09), and Laboratory Supervisor (BPS-11). He next argued that in response to staff requests, the College Education Department (CED) initially sought to upgrade these posts with a summary to the Chief Minister on March 20, 2018. At that time, the advice was to first establish proper Recruitment Rules. Subsequently, the CED finalized these recruitment

rules for all three tiers on October 20, 2020, and December 31, 2021. With new rules in place, the AAG stated that further promotion avenues now exist. Consequently, the focus shifted from post-upgradation to promotions through the Departmental Promotion Committee (DPC). He emphasized that more recently, on May 16, 2024, the Chief Minister approved a proposal that career advancement for these posts should occur via promotions based on the new Recruitment Rules, not through higher grade up-gradation. He argued that Promotions have since been carried out as vacancies permit. However, a third summary, submitted on January 1, 2025, again requesting up-gradation, led to the matter being referred to the Service Structure Committee. The department presented this to the committee on March 11, 2025, for a meeting held on May 7, 2025. He submitted that the minutes from this meeting are still pending. The AAG presented this information to the court, seeking the petition's dismissal in the interest of justice.

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

6. It seems the Secretary (Services) / Chairman, Service Structure Committee of the Sindh Government's Services General Administration & Coordination Department was informed about the proposed up-gradation of Laboratory Assistant posts (BPS-07 to BPS-11), Senior Laboratory Assistant (BPS-09 to BPS-14), and Laboratory Supervisor (BPS-11 to BPS-16) within the College Education Department, via a summary for the Chief Minister. However, the Chief Secretary, Sindh, simply remarked, "May be placed before the Service Structure Committee." While the matter was subsequently presented to this committee for a decision in accordance with rules and policy, no resolution has been reached, according to the AAG.

7. Nevertheless, given that the issue has been revived since the recruitment rules were framed in 2020, and the petitioners' up-gradation from Senior Laboratory Assistant (BPS-09 to BPS-14) and Laboratory Supervisor (BPS-11 to BPS-16), remains unresolved, the committee must now resolve this within three months. If the petitioners' posts are due for up-gradation as per policy, it must be carried out without discrimination.

8. This petition is now disposed of on these terms.

HEAD OF CONST. BENCHES.

JUDGE