

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-1189 of 2024
(*Syed Raza Abbas Bukhari & others versus Province of Sindh & others*)

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

Date of hearing and order:- 20.10.2025

Mr. Mr. Danish Rasheed along with Mr. Arshad Khan Tanoli advocate for the petitioners
Ms. Saima Imdad, Assistant Advocate General.

ORDER

Muhammad Karim Khan Agha, J: The Petitioners, through instant Constitutional Petition, prayed as under:

1. *To direct the respondent No.2 to issue Final Seniority list of Assistance Excise & Taxation Officer (BPS-16) in compliance of section 8(1) of the Sindh Civil Servant Act 1973 and rule 9 (1) & (2) of Sindh Civil Servant (Probation, Confirmation & Seniority) Rules 1975, within the period of (30) days time or as may deem fit and appropriate by this Court.*
2. *To direct the respondent No.2, to finalize Seniority list of Assistant Excise & Taxation Officer (BPS-16) in line with Provisional Seniority list dated 14.11.2-023 as approved unanimously by the (05) members departmental committee constituted after deciding objections of petitioners and other aggrieved AETOs in the light of direction passed by this Court vide its order dated 14.09.2023 in CP No. D-296/2023, 7928 to 7931/2022.*
3. *To direct the respondents to Convene the meeting of departmental promotion committee for promotion to the post of Excise & Taxation Officer (BPS-17) on the basis of Final Seniority list of Assistant Excise & Taxation Officer (BPS-16) after issuing the same in terms of prayer clause A&B as above within 30 days period.*
4. *To direct the Respondents to Consider petitioners No. 1,3 and 9 for pro forma promotion to the posts of Excise & Taxation Officer (BPS-17) in case of said petitioners reached their respective ages of Superannuation during pendency of this petition in the light of principles of law laid down y the Supreme Court in the case Federation of Pakistan v Jahnzeb reported in 2023 PLC (CS) 336 followed by this Court in tis judgment dated 18.12.2023 seniority list.*

2. The case of the petitioners is that they were appointed as Excise & Taxation Inspectors (ETI) (BPS-14) on a regular basis in 1990-91 against existing vacancies. They performed their duties efficiently and were assigned seniority from the date of initial appointment vide order dated 22.02.2013, in accordance with Section 8(4) of the Sindh Civil Servants

Act, 1973. Under Rule 9 of the Sindh Civil Servant (Probation, Confirmation & Seniority) Rules, 1975, the department issued a seniority list on 15.07.2014. Except for petitioner No.1, all petitioners were placed correctly and later promoted to Assistant Excise & Taxation Officer (AETO) (BPS-16) on 25.08.2014.

3. Their counsel argued that the respondents failed to act under Section 8(1) of the Act and Rule 9(1)-(2) of the 1975 Rules, constituting a mala fide exercise of power. He asserted that promotion consideration is a vested and fundamental right of civil servants, which cannot be denied arbitrarily. The petitioners, being eligible for promotion to Excise & Taxation Officer (BPS-17), were unjustly deprived of this right despite available vacancies. Citing Supreme Court precedents, he maintained that pro forma promotion carries entitlement to corresponding pay and benefits. In support of his contention he relied upon the unreported order dated 30.09.2025 in Civil Petitions No. 954, 981 to 983 of 2022 passed by Supreme Court of Pakistan and order dated 03.09.2025 in C.P. No. D-5003 of 2023 passed by this Court. He requested that the petition be allowed.

4. The Assistant Advocate General submitted that the department sought advice from the Regulation Wing for maintaining uniform seniority, which was provided via letters dated 17.10.2012 and 27.11.2012. Retrospective seniority was accordingly assigned to the petitioners. However, following bulk appeals and objections, a departmental committee headed by the Secretary ET&NC was constituted in 2019 to review the matter. She requested dismissal of the petition.

5. This Court heard both sides and examined the record. Petitioners' counsel stated that except petitioners No.1, 3, and 9 who were already promoted, the remaining petitioners retired during pendency of the case and now seek *pro forma* promotion.

6. Pursuant to this Court's order dated 14.09.2023 and provisional seniority list dated 14.11.2023, the petitioners, aggrieved by their placement at Serial Nos. 105 and 116 in the AETO (BPS-16) list of 15.06.2021, filed C.P. Nos. D-7930 & D-7929 of 2022. The Department reassessed seniority, and a scrutiny committee placed the petitioners at Sr. 5 and Sr. 24. However, a new provisional list was issued on 12.12.2024, and despite applications requesting finalization before retirement, the final list was issued seven months later. As a result, the petitioners were deprived of promotion to ETO (BPS-17) due to administrative delays.

7. We have been informed that this Court, having granted *pro forma* promotion to Mr. Zakir Hussain Samoo in a similar case on 18.12.2023,

may extend the same relief to the petitioners for promotion to ETO (BPS-17) in the interest of justice and fairness.

8. In view of the Court's directions and the committee's recommendations, it is just and equitable to direct for considering the case of the rest of petitioners for *pro forma* promotion with all consequential benefits, effective from the date they would have been promoted, if they are found entitled under the law. The aforesaid exercise shall be completed within three months.

9. This petition stands disposed of in the above terms.

HEAD OF CONST. BENCHES

JUDGE

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