

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-964 of 2024
(*Danish Ali & others versus Federation of Pakistan & others*)

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

Date of hearing and order:- 20.10.2025

Mr. Ali Asadullah Bullo, advocate for the petitioners
Ms. Wajiha Mehdi, Assistant Attorney General.

ORDER

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

- 1. Declare that the impugned policy dated 15.03.2023 as illegal, violative of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 and set aside the same.*
- 2. Direct the Respondent No.2 to review the policy of 2023 in line with policy of 2012 and allow the petitioners to compete in the examination for Divisional Accounts Officer.*
- 3. Direct the Respondents not to act upon the examination schedule vide letter dated 29.01.2024 as long as the instant petition is pending adjudication before this Court.*
- 4. Direct the Respondents. Officials, agents not to take coercive action against the petitioners and should conduct themselves strictly in accordance with law.*

2. The case of the petitioners is that they were appointed as Accounts Clerks (BS-07, now BS-10) in 2017 on regular basis through the departmental selection committee. Being part of the Accounts Cadre of the Public Works Department, their career progression depends on departmental examinations governed by the Controller General of Accounts (CGA). In 2012, the CGA issued a policy allowing certain grades to appear in the Divisional Accounts Officer (DAO) examination. That policy, effective until 2021, did not cover the petitioners. A new policy dated 01.12.2021 extended eligibility to employees in BS-11 to BS-17, but the petitioners, still in BS-10, remained ineligible.

3. Counsel for the petitioners argued that the CGA failed to follow its own binding policy obligations by excluding BS-10 employees from the DAO examination, thereby discriminating against them. He contended that from 2008 onward, employees in BS-07 to BS-10 were eligible to appear in the exam, which provided their only means of promotion. The sudden withdrawal of this opportunity deprived them of fair career advancement and violated principles of equality and fair play. He prayed for the petition to be allowed.

4. The learned Assistant Attorney General opposed the petition, submitting that the petitioners never challenged the 2021 Exam Policy, which remained valid until 14.03.2023 and had the same eligibility criteria as the 2023 Policy. She argued that under Sections 5(j) and 12 of the Controller General of Accounts (Appointment, Functions and Powers) Ordinance, 2001, the CGA is empowered to frame rules for its sub-offices. Accordingly, a new DAO Examination Policy was issued on 15.03.2023, approved by the Establishment Division and vetted by the FPSC, specifying that only BS-11 to BS-16 employees are eligible for promotion. She prayed for dismissal of the petition.

5. After hearing both sides and examining the record, it is clear that the eligibility criteria for appearing in the Divisional Accounts Officer (DAO) Examination have been duly prescribed by the competent authority, i.e., the Controller General of Accounts, under the mandate of Sections 5(j) and 12 of the Controller General of Accounts (Appointment, Functions and Powers) Ordinance, 2001. The 2023 DAO Examination Policy, approved by the Establishment Division and vetted by the Federal Public Service Commission, lawfully restricts eligibility to employees in BS-11 to BS-16. The petitioners, being in BS-10, cannot claim a vested right to be considered for a post or examination outside the notified rules or policy. Policy framing regarding service structure and promotion is an executive function, and the Court cannot substitute its judgment for that of the competent authority unless mala fide, arbitrariness, or violation of statutory provisions is established, none of which has been demonstrated in this case.

6. The eligibility criteria of the post fall within the administrative domain of the Government and cannot be interfered with by courts unless shown to be discriminatory or unlawful, which the petitioners failed to demonstrate. The issues raised relate to policy decisions, and while the Constitution guarantees basic rights, implementing service related matters of civil servants rests with either Service Tribunal the government so far as the conducting the examination of the subject post is concerned. Therefore, this petition concerning posts or examinations outside notified rules or policy are not maintainable under the writ jurisdiction of this Court.

7. Accordingly, the petition is found to be without merit and is dismissed, with no order as to costs.

HEAD OF CONST. BENCHES

JUDGE