

**IN THE HIGH COURT OF SINDH, KARACHI**

**Constitutional Petition No.D-4772 of 2024**

*[Muhammad Saleem Soomro & others versus Province of Sindh & others ]*

Before:

**Justice Muhammad Karim Khan Agha**

**Justice Adnan-ul-Karim Memon**

**Date of hearing & Judgment: 20.10.2025**

Syed Muhammad Mehdi Raza, advocate for the petitioners.

Ms. Saima Imdad, Advocate General Sindh.

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**ORDER**

**Muhammad Karim Khan Agha J.** Through this petition, the petitioners seek the following relief(s):-

- a. *Direct the respondents to eliminate the discriminatory treatment between the employees working in Law Department (Secretariat) having same Cost Centre as officers of PAS/EXPCS/PSS/PMS Cadres employed at the office of the Respondent No. 2 as both the said categories work not only in same walled premises under one cost center but also perform their given designated tasks by the same commanding entity i.e Respondent No.2 especially as treatment meted out to cadre officers of PAS/EXPCS/PSS/PMS.*
- b. *Direct the respondents to extend the benefit of EXECUTIVE ALLOWANCE to the petitioners with all back benefits.*

2. The petitioners are employed under Respondent No.2 (Secretary, Law, Parliamentary Affairs & Criminal Prosecution Department, Sindh) as Draftsman (BPS-19), Director IT (BPS-18), Law Officer (BPS-18), Programmers (BPS-17), and Superintendents (BPS-17). Though not cadre officers, their work is integral to the Secretariat, and their salaries are drawn from the same cost center as cadre officers. The Government of Sindh extended various allowances i.e. Utility, Secretariat, Self-Hiring/House Ceiling to them. However, the Executive Allowance, introduced on 18.04.2022 for PAS/Ex-PCS/PSS/PMS officers at 1.5× basic pay, was not extended to the petitioners despite their crucial Secretariat roles. Federal Government later extended this allowance to all BPS-17 to BPS-22 officers in the Federal Secretariat. Petitioners sought similar treatment via requests dated 05.04.2023 and 07.05.2024, including intervention from the Chief Minister (letter dated 14.05.2024), but the Finance Department did not act.

3. Learned counsel for the petitioners contended that petitioners sought intervention of the Chief Minister via application dated 07-05-2024 to resolve the anomaly in Executive Allowance, noting that there is no intelligible differentia between PAS/Ex-PCS/PSS/PMS officers and other Secretariat employees regarding sensitivity of work. The Chief Minister referred the matter to the

Finance Department on 14-05-2024, but no action was taken, violating Section 24 of the General Clauses Act. Counsel further argued that where discriminatory denial of allowances to employees performing equivalent Secretariat work was held by the Supreme Court unconstitutional. He argued that the impugned Office Memorandum dated 18-04-2022 is discriminatory, malafide, and violates constitutional guarantees. He prayed for allowance of the petition. Counsel argued that this denial is discriminatory and violates constitutional principles, citing analogous cases, where similar allowances were granted to Secretariat employees. He prayed to allow this petition.

4. The Assistant Advocate General contended that the Executive Allowance is limited to cadre officers posted against approved cadre posts, and the petitioners, not being cadre officers, are ineligible. She prayed for dismissal of the petition.

5. The Court has heard learned counsel for the parties.

6. The petitioners, though not formally cadre officers, are performing duties integral to the functioning of the Provincial Secretariat in the Law Department. Their work is comparable in sensitivity and importance to that of PAS/Ex-PCS/PSS/PMS officers. The principle of “no discrimination in similarly situated public servants” applies here. The Executive Allowance, while formally restricted to cadre officers, is intended to compensate officers performing sensitive Secretariat duties. Denying this allowance to petitioners performing equivalent work amounts to arbitrary and discriminatory treatment, which violates Articles 25 (equality before law) and 37 (promotion of efficient administration) of the Constitution of Pakistan. Secretary Finance KPK & Another v. Syed Jehangir Shah & Others (2024 SCMR 538), The Supreme Court held that employees performing analogous secretariat functions cannot be discriminated against in allowance entitlement. In *Writ Petition No. 2095-P/2008, Peshawar High Court* held that the employees of the Solicitor Department, KPK, were entitled to allowances similar to civil secretariat officers, emphasizing that posting within the Secretariat premises with comparable duties creates no intelligible differentia for discrimination. The Federal Government’s extension of the Executive Allowance to BPS-17 to BPS-22 officers performing Secretariat work supports the principle that functional responsibility, not merely cadre classification, determines entitlement. The stance of the respondent that petitioners are ineligible because they are not cadre officers is prima facie untenable

7. Under settled law, employees performing equivalent Secretariat duties are entitled to parity in allowances, in terms of decision of the Supreme court in the case of Secretary Finance KPK supra, therefore, their cases needs to be

meaningfully reconsidered by the competent authority, without discrimination, for the subject allowance and all consequential benefits, on analogy with PAS/Ex-PCS/PSS/PMS officers, following *Secretary Finance KPK supra* and related precedents. The aforesaid exercise shall be undertaken within three months.

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

HEAD OF CONST. BENCHES

JUDGE

Shahzad Soomro