

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Constitutional Petition No. D-1828 of 2024  
(Noor Ahmed versus Province of Sindh & 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:- 28.10.2025**  
Mr. Ali Asadullah Bullo advocate for the petitioner  
Mr. Ali Safdar Depar, Assistant Advocate General along with Muhammad Yousuf from I.G Prison

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**ORDER**

**Muhammad Karim Khan Agha, J:**                      The petitioner has prayed as  
under:

*To direct the respondents to consider the case of the petitioner for promotion against the post of Assistant Director in accordance with the West Pakistan Poisons Department Ministerial Service Rules (1965)*

*Direct the respondents, agents, officials, and any other authority acting on behalf of them not to take coercive adverse action against the petitioner and conduct themselves in accordance with the law till he finalization of the instant proceedings.*

2.        The case of the petitioner is that he was appointed as Stenographer (BS-12) vide Order No. EB-1/4218/23 dated 28.01.2013, and subsequently, the post was upgraded to BS-14 by the Finance Department, Government of Sindh, vide Notification No. FD(SR-IV) 2-65/2012 dated 21.03.2013, implemented through Order No. EB-1/11250/65 dated 23.05.2013. The petitioner submits that the respondents have failed in their mandatory duty by treating his post as isolated and delaying the Departmental Promotion Committee (DPC) meetings for years, despite the availability of vacancies for Assistant Director and the petitioner’s eligibility. Such a delay has caused undue financial and service loss. It is further submitted that under the West Pakistan Prisons Department Ministerial Staff Service Rules, 1965, the post of Administrative Officer is to be filled from amongst Assistants, Head Clerks, Accountants, and Stenographers. However, respondents have filled such posts on an acting charge/OPS basis, contrary to the dicta laid down by the Supreme Court (**2013 SCMR 1752** and **2015 SCMR 456**). The petitioner, therefore, prays that the instant petition be allowed, and necessary directions be issued for convening of the DPC and consideration of his case for promotion in accordance with law.
3.        The counsel contended that petitioner, being duly qualified and having satisfactory performance reports, has been unlawfully deprived of promotion, constituting misuse of authority and colorable exercise of power.

4. Conversely, the learned AAG contends that there exists only one post of Administrative Officer (BS-16) in the Sindh Prisons Department, previously governed by the 1965 Rules which now stand repealed. He argued that seniority is to be maintained under Rule 9(1) of the Sindh Civil Servants (Probation, Confirmation & Seniority) Rules, 1975. It is also submitted that the petitioner is junior among four Stenographers, and his case, along with others, has been referred to the Home Department vide letter No. EB-1/22042/43 dated 25.11.2022 for consideration under the Time Scale Policy. Hence, no vested right of the petitioner stands violated.

5. In view of the above facts and circumstances, and after examining the record as well as the opinion rendered by the Law Department, it is prima facie appears that the post of Assistant Director (Admn:) (BPS-17) falls within the Inspectorate of Prisons at the provincial level and, as per the competent authority's view, is to be filled through direct recruitment via the Sindh Public Service Commission. Since the said post does not fall within the promotional hierarchy of Stenographers or other ministerial staff working at the divisional level, the petitioner cannot claim any vested right of promotion to the said post. The delay in convening the Departmental Promotion Committee, therefore, does not appear to have caused any legal prejudice to the petitioner, as the post in question is not earmarked for promotion from his cadre under the recruitment rules, which post needs to be filled as per the recruitment rules.

6. In the circumstances, we find no illegality or arbitrariness in the stance adopted by the respondents or in the opinion rendered by the Law Department. Consequently, the petition, being devoid of merit, stands dismissed, along with all pending applications.

HEAD OF CONST. BENCHES

JUDGE