

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-2101 of 2023
(*Mukhtiar Ali Jamali versus Federation of Pakistan & 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:- 04.11.2025

Mr. Muhammad Arshad Khan Tanoli, advocate for the petitioner

Mr. Danish Rashid advocate along with Humaira Jatoti advocate.

Mr. Imtiaz Ali Solangi advocate for the respondent.

Ms. Wajiha Mehdi, Assistant Attorney General

ORDER

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

1. *To direct the Respondents to Upgrade the post of Petitioner from BPS-16 to 17 on the basis of his M. Sc. Degree with effect from the date of acquiring the qualification at par with other employees, granted the said benefit under Notification dated 01.10.2007, in pursuant to the decision of BoD taken in its 3rd meeting held on 5th September 2007, thereby approved the recommendations for Up-gradation of posts into BPS-17, whose incumbents possessing Engineering or MSc, Degree;*
2. *To set aside and quash the cause of deferment of petitioner for promotion to the post of Field Officer (BPS-17) disclosed in minutes of meeting of DPC held on 16.09.2022 as unlawful and direct the Respondents No.2 and 3 to convene the meeting of Departmental Promotion Committee within one month time and to consider the petitioner being eligible for promotion to the post of Field Officer BPS-17 in the light of Seniority list dated 20.12.2022 w.e.f. the date of availability of the vacant post of field officer BPS-17;*
3. *To restrain the Respondent Nos 2 and 3 from filling the vacant posts of Field Officer BPS-17 by the officers of non-technical/other cadres in violation of the law laid down by the Supreme Court in its judgment reported in 2013 SCMR 1752 and as well 2015 SCMR 456, during pendency of this petition.*

2. The case of the petitioner is that he was appointed to a technical post in the WTO Cell created by Notification dated 07.08.2010 under the Pakistan Standards & Quality Control Authority (PSQCA), a statutory body established under Act No. VI of 1996. Possessing DAE and Bachelor's degrees, he was appointed as Research Officer (BPS-16) vide order dated 20.09.2012 and joined on 24.09.2012.

3. Counsel argues that the DPC's reason for deferment non-availability of a promotion line for Research Officers is unlawful. The petitioner holds M.Sc., MBA, B.Tech (Hons), and DAE (Mech) qualifications, meeting the criteria for Field Officer (BPS-17). He has served as Field Officer since 17.04.2013, with over 10 years of service,

and is thus fully eligible for promotion or, alternatively, for time-scale upgradation under government policy.

4. Learned AAG contends that the petition lacks merit. The petitioner was appointed as Research Officer (BPS-16) and later transferred to SDC Karachi as Field Officer on 17.04.2013 without absorption. The posts of Research Officer and Field Officer are distinct, requiring different qualifications: Business Administration/Economics for the former and B.E./M.Sc. for the latter. The DPC rightly held that the petitioner does not fulfill the criteria for promotion from Research Officer to Field Officer. Hence, the petition should be dismissed.

5. After hearing the learned counsel for the parties and examining the record, it is evident that the petitioner was initially appointed as Research Officer (BPS-16) in the WTO Cell of the Pakistan Standards & Quality Control Authority (PSQCA) and was subsequently transferred to the Standard Development Centre (SDC) as Field Officer in the same grade. The said transfer did not amount to absorption or change of cadre. The DPC, while considering his case for promotion, observed that the petitioner did not fulfill the prescribed criteria for promotion from the post of Research Officer (BPS-16) to Field Officer (BPS-17), as both positions are distinct in nature and qualification requirements. The petitioner's plea for upgradation is also, therefore, not supported by any statutory rule, regulation, or policy applicable to his case.

6. Accordingly, finding no illegality, irregularity, or perversity in the proceedings or decision of the Departmental Promotion Committee, this petition is dismissed, however, as and when the subject vacancy occurs in his cadre as per recruitment rules and his qualification, he is required to be considered for the next rank on a seniority cum fitness basis as per his eligibility.

7. This petition is disposed of in the previously mentioned terms

HEAD OF CONST. BENCHES

JUDGE