

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

**Constitutional Petition No.D-1502 of 2023**

*[Abdul Hafeez Abbasi and 06 others versus Province of Sindh and another]*

Before:

**Justice Muhammad Karim Khan Agha**

**Justice Adnan-ul-Karim Memon**

M/s Ali Asadullah Bullo and Sheeraz Ahmed, advocates for the petitioners.  
Ms. Saima Imdad, Assistant Advocate General Sindh.

**Dates of hearing & Order: 22.09.2025**

**ORDER**

**Adnan-ul-Karim Memon, J.** Petitioners have filed this Constitutional Petition with the following prayers:-

*i. Direct the Respondents to convene the meeting of the departmental promotion committee and consider the case of Petitioners against the post of Section Officer BS-17 in accordance with Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974.*

*ii. Direct the Respondents to grant the effect of promotion from the date of occurrence of vacancies, along with all consequential benefits, in the event the Petitioners succeed.*

*iii. Direct the Respondents to conduct themselves strictly in accordance with law and not to take any coercive action against the Petitioners.”*

2. Petitioners were initially appointed as Stenographers in BS-12 between 1995 and 2005, and were promoted to Private Secretary BS-17 in 2011. In 2018, the Sindh Civil Servants (Provincial Management Service) Rules were introduced, merging different civil service streams. The post of Section Officer was renamed to PMS Officer BS-17, and this rule allowed for the promotion of Mukhtiarkars, Superintendents, and Private Secretaries to PMS Officer BS-17. A Departmental Promotion Committee (DPC) meeting was held in 2020, and many of the petitioners' colleagues were promoted. However, the petitioners were not considered for promotion, despite the availability of vacant posts. In 2021, the petitioners' cases were again not considered for promotion, even after another DPC meeting was convened. Some of their colleagues also received an upgradation, but the petitioners opted to wait for promotion to PMS Officer. The Sindh government sought legal recourse regarding the PMS Rules of 2018, which had been declared illegal by this court; however, the Supreme Court suspended the judgment passed by this Court and the matter is sub-judice. Subsequently, the law department advised promoting eligible employees from all three categories (Mukhtiarkars, Superintendents, and Private Secretaries) to Assistant Commissioner/Section Officer BS-17 under the pre-2018 rules. Consequently, some Mukhtiarkars were promoted, but the petitioners were once again not

considered. Despite their names appearing on the official seniority lists of Private Secretaries, the petitioners have been repeatedly overlooked for promotion to PMS Officer/Section Officer, while their colleagues and other eligible employees have been promoted. They prayed to allow this petition.

3. The petitioners' counsel argued that the respondents violated the Sindh Civil Servants (Appointment, Promotion, and Transfer) Rules, 1974, by failing to promote the petitioners within the parameters of law. He claimed this constitutes misconduct and inefficiency on their part. The counsel contended that the respondents maliciously delayed the promotion process, causing financial and professional harm to the petitioners. Despite many vacant Section Officer positions, the petitioners' cases were ignored, jeopardizing the careers of qualified and experienced Private Secretaries. Citing numerous Supreme Court rulings, he asserted that every civil servant has a vested right to promotion, protected by the Constitution of Pakistan (Articles 4 and 25) and Islamic principles. He argued that the respondents' inaction violated this right, rendering their conduct arbitrary, malicious, and unlawful. He concluded by asking this court to declare the respondents' actions void and to grant the petition.

4. The Learned Assistant Advocate General Sindh (AAG) opposed the petition, arguing that this petition has become infructuous. She prayed for dismissal of the instant petition.

5. We have heard learned counsel for the parties and considered the record.

6. The question is whether the Departmental Promotion Committee is required to consider promoting Mukhtiarkars, Superintendents, and Private Secretaries to BS-17? If so, should their promotions be considered for roles as Section Officers and Assistant Commissioners under the 1993 and 1964 rules, or under the Sindh Civil Servants (Provincial Management Service) Rules, 2018?

7. The learned Advocate General Sindh advised the Sindh Government that a meeting of the Departmental Promotion Committee to promote Mukhtiarkars, Superintendents, and Private Secretaries can be held, provided there are available vacancies and a final seniority list for their respective positions. Further that the Supreme Court has not suspended the High Court's ruling, which found the PMS Rules 2018 invalid, promotions should be considered under the West Pakistan Civil Service (Executive Branch) Rules, 1964, and the notification dated October 10, 1993. Subsequently the Government of Sindh, vide notification dated July 13, 2022, announced the promotion of seven officers from Mukhtiarkar (BPS-16) to Assistant Commissioner (BS-17) regularly. However, their promotions were

subject to the outcome of ongoing cases, including Civil Appeal No. 347-356 of 2022 pending before the Supreme Court of Pakistan.

8. This Court has declared the PMS Rules 2018 ultra vires (beyond the powers of the government). Although an appeal is pending before the Supreme Court. The promotions are still subject to procedural requirements, including the availability of vacancies and a final seniority list. The Departmental Promotion Committee (DPC) meeting can be held as long as these prerequisites are met, subject to the outcome of ongoing cases, including Civil Appeal No. 347-356 of 2022 pending before the Supreme Court of Pakistan.

9. In view of the above facts and circumstances of the case, this petition stands disposed of with the direction that the respondent department must act in accordance with existing laws and rules until a final decision is issued by the Supreme Court.

**JUDGE**

**HEAD OF CONST. BENCHES**

SHAFI