

IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No.D-3508 of 2024

[Nadeem Ahmed Qureshi versus Province of Sindh & others]

Before:

Justice Muhammad Karim Khan Agha

Justice Nisar Ahmed Bhanbhro

Date of hearing & Judgment: 12.11.2025

Mr. Nadeem Ahmed Qureshi, advocate (Petitioner in person).

Ms. Saima Imdad, Assistant Advocate General Sindh.

ORDER

Nisar Ahmed Bhanbhro, J. Through the instant petition, the petitioner seeks following relief:-

“a) To adjudge and declare that the petitioner is entitled for promotion/award of incentive of timescale from BPS-18 to BPS-19 from the date of his entitlement he has completed thirteen (13) years of satisfactory service considering the fact they have no chance of career progression being employed on isolated post. As the required period for promotion is twelve (12) years from BPS-17 to BPS-19.

b) To direct the respondents No. 1, 3 and 4 to award Time Scale/upgradation to the Law Officers including Petitioner being Isolated post in absence of service structure and having no avenue for further promotion to the next higher Grade/Scale (BPS-19).

c) To direct the respondent No.1 to adopt equal treatment under Article 25 of the Constitution of Islamic Republic of Pakistan 1973 to the petitioner as recently adopted in case of Law officers I & II and also in the Promotion case of two Law Consultants as mentioned in above Para No.9, however they were appointed in 2012 after appointment of law officers.

d) To direct the respondents No.1, 2 and 3 that if the two posts are created for two law officers I & II for promotion to the next higher grade BPS-19, then "Time Scale" from BPS-18 to BPS-19 (BPS-19) be awarded to the remaining two law officers III & IV (the Petitioner), who were also appointed in the same badge and have same length of service.

e) To direct the Respondents to issue an appropriate notification for awarding incentive of Time Scale/Upgradation to the remaining Law Officers/petitioner from BPS-18 to BPS-19.”

2. Mr. Nadeem Ahmed Qureshi, advocate (Petitioner in person) argued that he was appointed in Grade-17 as Law Officer in Law, Parliamentary Affairs & Criminal Prosecution Service Department, Government of Sindh in the year 2011. The post of law officer was upgraded to Grade 18 from Grade-17 vide notification dated 19.07.2019 pursuant to the directions contained in the order dated 21.05.2018

passed by this Court in C.P No.7015 filed by the law officers. He further argued that post of the petitioner was isolated having no substructure, therefore, he was entitled for grant of one time (Time Scale) in service as has been accorded to the other law officers in Law, Parliamentary Affairs & Criminal Prosecution Service Department, Government of Sindh vide notification dated 26.04.2022.

3. Ms. Saima Imdad Mangi, learned AAG has opposed the instant petition on the ground that the case of the petitioner is not on the identical footing to the other law officers of the Law Department as they were discharging their duties before the Court of law and the petitioner was doing office work. She prayed for dismissal of the instant petition.

4. We have heard the arguments of learned counsel for the parties and perused the material available on record.

5. Petitioner is an employee of law department and claims benefit of **“time scale incentive policy”** accorded to District Attorneys and Deputy District Attorneys of law department on completion of 10 years’ minimum service. Petitioner claims that that he was placed in the identical situation and performing the same nature of duties, as such entitled to the same benefits on the touchstone of the article 25 and 27 of the Constitution of Islamic Republic of Pakistan, of 1973. To get perks and privileges accorded to the District Attorneys and Deputy District Attorneys Petitioner has to demonstrate that he was performing similar job. Per nomenclature and job description, petitioner was discharging duty within office, whereas District Attorneys and Deputy District Attorneys were conducting cases before Courts of law. Petitioner’s job was not at par with the District Attorneys and Deputy District Attorneys. Article 25 of the Constitution enshrines the principle of equal protection and equal treatment of law to the citizens and discourages discrimination. Article 27 of the constitution safeguards against discrimination in service. The government or the local authority performing functions in connection with the affairs of Federation or Province however subject to law, may do reasonable classification through intelligible differentia amongst different groups or cadre of employees. The case of the petitioner falls in the category of reasonable classification and intelligible differentia as such he was not entitled for benefits of perks and privileges enjoyed by District Attorneys and Deputy District Attorneys. The grievance of the petitioner that he was given discriminatory treatment and denied time – scale incentive was not borne out from the record.

6. It is pertinent to note that Secretary Law, Parliamentary Affairs & Criminal Prosecution Service Department, Government of Sindh in its statement filed through its Law Officer – I has stated that law department was working on the issue

of service structure of employees of law department and once the rules are made, the post of the petitioner would not be isolated post would be a promotion post in Grade-19 and. The time scale policy of all departments of Government of Sindh was under revision and the Finance Department in consultation with implementation and coordination wing of Service, General Administration was considering a uniform time scale policy. For the ease of reference, the para No.2 of the statement is reproduced as under:-

“It is further submitted that this Honourable Court already passed order dated 14.10.2025 in Constitution Petition No.D-5018 of 2023 filed by the Collogue of petitioner namely Dr. Liaquat Ali Abro Law officer, Law Department for promotion in next higher grade BPS-18 to BPS-19 as Senior Law Officer with the direction to this department to frame rules expeditiously for promotion in next higher grade in BPS-19 as Senior Law Officer and in the compliance of this Honourable Court the same procedure is going to almost finalize hence, in such situation post is not isolated. Even otherwise currently time scale policy of all Departments, Government of Sindh are under revision and Finance Department is working on summery for Chief Minister Sindh in consultation with the implementation & Coordination Wing of Service General Administration & Coordination Department, Government of Sindh. Therefore, Administrative Department may wait till the finalization of uniform timescale policy which is already in the phase of preparation.”

7. From perusal of above statement, it infers that the rule making process was in pipeline and once rules are finalized, the issue of career progression of petitioner would be resolved which is consonance with prayer clauses (d) & (e) of the petition wherein petitioner seeks relief of upgradation and promotion in Grade-19. Petitioner was appointed in grade 17, latter he was promoted to grade 18, Department was devising the service structure of Petitioner’s post, whereby petitioner could seek progression in next higher grade.

8. In view of the above discussion, this petition is disposed of with direction to the Law Department, Government of Sindh to expedite the rule making process and finalize the same within a shortest possible time.

Office to send a copy of this order to respondent No.4 for compliance.

JUDGE

HEAD OF CONST. BENCHES

Shahzad Soomro