

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P. No. D-338 of 2026
(Muhammad Rashid Zaheen v Province of Sindh & others)

Dated Order with signature of Judge.

Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi.

Date of hearing and order:-29-04-2026

Mr. Ahmed Madni, Advocate for Petitioner.
Malik Altaf Hussain, Advocate for KMC.
M/s. Abdul Jalil Zubaidi and Ali Safdar Depar, AAGs.

ORDER

Adnan-ul-Karim Memon, J Learned counsel for the Petitioner submits that the Petitioner is a long-serving employee of Respondent No.4, Karachi Metropolitan Corporation, Land Department, whose service rights are protected under the Constitution and the relevant service laws. It is stated that the Petitioner initially entered service as a Watchman (BPS-1) vide appointment order dated 21.07.1993 and was posted in the Zoo Department. Thereafter, he was promoted to the post of Clerk, initially in BPS-07, vide order dated 27.02.2015, and was subsequently posted in the Land Department, KMC. His pay fixation was also accordingly notified vide office order dated 06.08.2015. Learned counsel further submits that the post of Clerk was later upgraded from BPS-07 to BPS-11 through a formal notification, making the Petitioner entitled to the benefits of the upgraded scale in accordance with law. However, despite such upgradation and the Petitioner's continued service on the said post, his salary has not been revised to BPS-11, resulting in denial of lawful monetary benefits. It is contended that the Petitioner has repeatedly approached the Respondents for correction of his pay scale and release of consequential benefits, but his case remains pending without any lawful justification, causing him serious financial hardship and prejudice. Learned counsel submits that such inaction on the part of the Respondents amounts to discriminatory treatment and is violative of Articles 25 and 27 of the Constitution of the Islamic Republic of Pakistan, 1973, which guarantee equality before law and prohibit discrimination not only at the time of appointment but also during service. It is further submitted that the Petitioner has no other efficacious remedy except to invoke the constitutional jurisdiction of this Court, hence the instant petition. In view of the above, learned counsel prays that the Respondents may be directed to extend to the Petitioner the salary and all consequential benefits of BPS-11 in accordance with law from the date of entitlement, along with release of all withheld dues and arrears, and to grant any

other relief deemed just and proper in the circumstances of the case. Learned counsel for the Petitioner submits that he does not wish to press the instant petition provided that his representation is decided by the competent authority/Respondent in accordance with law.

2. Learned counsel for KMC has no objection to such course, subject to the condition that the representation, if any, is submitted within one week.

3. In view of the submissions made by the learned counsel for the parties, it appears that the core grievance of the Petitioner pertains to non-fixation/revision of his pay in the upgraded scale of BPS-11 despite his service record and the notification upgrading the post of Clerk from BPS-07 to BPS-11.

4. Learned counsel for the Petitioner, however, has fairly stated that he does not wish to press the instant petition at this stage, provided that the Petitioner's grievance is examined and decided by the competent authority/Respondent in accordance with law. Learned counsel representing KMC has no objection to such course, subject to the condition that the Petitioner submits his representation within one week.

5. In the circumstances, without dilating upon the merits of the controversy, and in order to ensure an expeditious, fair, and administrative resolution of the grievance at the departmental level, it would be appropriate to direct the Respondents to consider and decide the Petitioner's representation, if filed, strictly in accordance with law, rules, and policy, through a reasoned and speaking order within a reasonable time.

6. Accordingly, the instant petition is disposed of as withdrawn at this stage, with the observation that the Petitioner shall be at liberty to file a representation before the competent authority within one week, whereupon the same shall be decided expeditiously in accordance with law, without being influenced by any observation made herein.

7. It is clarified that in case the Petitioner remains aggrieved by the decision of the competent authority, he shall be at liberty to avail such remedy as is available to him under the law.

JUDGE

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