

127

**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

**PRESENT**

Mr. Justice Maqbool Baqar  
Mr. Justice Muhammad Ali Mazhar

**Criminal Original Petition No. 3-K/2021**  
(Against the judgment dated 2 of the High Court of Sindh,  
Karachi passed in WP No. 88/2011)

**Khalid Siddiqui**

Petitioner(s)

Versus

**Kamran Ali Afzal & others**

Respondent(s)

For the Petitioner(s) : In person

For the Respondent(s) : Mr. M. Nishat Warsi, DAG  
Syed Abu-ul-Kalam Ashrafi, ACC

Date of Hearing : 08.02.2022

**ORDER**

**Maqbool Baqar, J.** This Court vide order dated 23.12.2017, while observing that the petitioner is entitled to be considered for promotion in terms of FR/17(1), Part-IV Clause 6(a)(i), and his case was required to be considered by the Central Selection Board, directed the said board to undertake the exercise and decide the petitioner's case in accordance with law, however, the order was not complied with and the petitioner was constrained to file the present criminal original petition. In the report filed in response to the notice issued in the present proceedings, the Department has disclosed that though the promotion sought by the petitioner was recommended by the Central Selection Board and was forwarded to FR-17(1) Committee for considering the promotion of the petitioner and such recommendation was approved by the Prime Minister through O.M. dated 27. 06.2019 and the matter was then placed

2

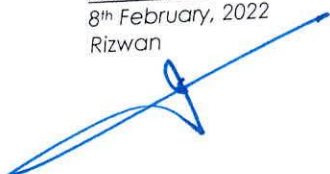
before the Junior Level Committee FR 17(1) on 21.10.2020 which Committee recommended that the case be submitted before high level committee for final decision but the high level committee declined promotion on the following grounds:

"a) Promotion case of Mr. Khalid Siddique was sent to former Statistics Division on 5<sup>th</sup> July, 2012, for placing before CSB. However, the meeting of CSB was not held. Subsequently, he superannuated on 18.09.2012.

b) Non-convening of CSB after occurrence of vacancy does not constitute wrongful prevention."

2. However, the same does not at all justify refusal of the promotion sought and is contrary to the spirit of FR 17(1), and thus the concerned respondents are liable for non-compliance of the order. However, we would, taking a lenient view, grant four weeks' time to the concerned officers to comply with the order and submit a compliance report accordingly, but with a caution that in case the concerned officers still fail to comply with the order they shall expose themselves to the contempt of court proceedings. The petition is accordingly disposed of.

Karachi, the  
8<sup>th</sup> February, 2022  
Rizwan



  
Judge  
  
Judge