

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mrs. Justice Ayesha A. Malik

Mr. Justice Naeem Akhter Afghan

**CPLA NO.39-K OF 2023 AND CMA NO.39-K OF 2023 IN CPLA
NO.39-K OF 2023**

[Against judgment dated 10.11.2022 passed by the Sindh Service Tribunal at
Karachi in Appeal No.1119 of 2021]

The Chief Minister Sindh and others (*in both cases*) ...Petitioner(s)

Versus

Dr. Saeed Ahmed Shaikh (*in both cases*) ...Respondent(s)

For the Petitioner : Mr. Suresh Kumar,
Additional Advocate General, Sindh
with Zaheer Abbas, Mir Deputy
Secretary (Health) and Shafique
Ahmed, SO (Health)
(*via video link, Karachi*)

For the Respondent : Mr. Khalid Mehmood Siddiqui, ASC

Date of Hearing : 19.09.2025

ORDER

Ayesha A. Malik, J.- The basic contention of the Petitioners is that the Service Tribunal issued a direction to the competent authority to give proforma promotion to the Respondent in BPS-20. He states that at best the Respondent was entitled to be considered for promotion given that his case was deferred on two occasions that is 16.07.2019 and 23.09.2019. When confronted with this proposition, learned counsel for the Respondent states that the law requires that the Respondent be considered for promotion. He states that the Respondent should have been considered in 2019, before his retirement, but was deferred on account of pending disciplinary proceedings. Relies on the case of *Jahanzeb*¹ to urge the point that the Petitioners must consider the Respondent for promotion and that this right cannot be denied as his matter was pending before the competent authority prior to his retirement on 14.12.2019.

¹ Federation of Pakistan v. Jahanzeb (2023 PLC (CS) 336) (*Jahanzeb*).

2. Under the circumstances, with the concurrence and consent of both parties, we modify Para 12 of the impugned judgment to the effect that a direction is given to the competent authority to consider the case of the Petitioner for promotion as well as to determine the date to give effect to the proforma promotion as to when was he entitled for the promotion. The needful to be done within 45 days by way of a speaking order from the competent authority. Accordingly, this Civil Petition is converted into an appeal and allowed. CMA No.39-K of 2023 for grant of stay is disposed of.

Sd/-J
Sd/-J

Islamabad
19.09.2025
'NOT APPROVED FOR REPORTING'
Azmat/*