Promotion and Demotion of Civil Servants under Pakistani Law

Civil Servants Acts, APT Rules, Selection Boards and Article 212 (1989–2026)

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Abstract

This paper examines 100 reported judgments on promotion, deferment, proforma and antedated promotion, out-of-turn promotion, reversion and demotion — 81 of the Supreme Court of Pakistan and 19 of the Peshawar High Court, decided between 1989 and 2026 — collected on the Pakistan Law Site. The answers in Annexure A are given in the words of the reports. The main findings are that there is no right to promotion but a right to be considered (2010 SCMR 511; 2015 PLC(CS) 215); that the Central Selection Board is a semi-judicial forum bound to act justly and fairly (2014 SCMR 817) whose recommendations the competent authority is not bound to accept (2023 SCMR 915); that delay in holding the DPC cannot prejudice the officer (PLD 2026 SC 64; 2022 SCMR 448); that out-of-turn promotion is not permissible (2016 SCMR 1525); and that only a promotee can be reverted, and not without hearing (2009 SCMR 412; 2004 SCMR 623).

Keywords: promotion; Central Selection Board; Departmental Promotion Committee; deferment; proforma promotion; antedated promotion; out-of-turn promotion; reversion; demotion; Article 212.

1. Introduction

Promotion disputes are the largest single class of service litigation. The reported cases turn on a small number of questions: whether the officer had a right to be considered, how the selection forum must act, from what date promotion takes effect when the department delays, whether out-of-turn promotion can stand, and when a promotion may be withdrawn or the officer demoted.

2. Sources and Method

All research was done on the Pakistan Law Site only. Supreme Court searches were run over all years for "Promotion Committee" (233 results), "Central Selection Board" (29), "Selection Board" (163), "out of turn promotion" (65), "proforma promotion" (17), "deferment promotion" (9) and "demotion" (11); Peshawar High Court searches for "promotion civil servant" (75). Results were screened for an actual holding on promotion or demotion; 81 Supreme Court and 19 Peshawar High Court judgments were kept. For every judgment the full report was opened on the site to take the bench, case number and date. Each answer in Annexure A quotes the report. Where the report gives a hearing date instead of a decision date, it is shown as "(heard)". The judgments that settle the law on each point are marked ✓ *Mother judgment*.

3. The Law in Phases

3.1 No right to promotion; a right to be considered

There is no vested right in promotion, but rules or policy framed mala fide or arbitrarily may be challenged (2010 SCMR 511). A "right to be considered for promotion" accrues once the prescribed qualification is fulfilled (2015 PLC(CS) 215). Whoever fulfils the eligibility conditions has a legitimate expectation to be considered under the prevailing rules (2026 SCMR 558), and a qualified officer's non-consideration is illegal and discriminatory (2010 PLC(CS) 1218). An officer lacking the prescribed length of service is not eligible (2014 PLC(CS) 982), and seniority itself is not a vested right (2004 SCMR 497).

3.2 The selection forum: CSB and DPC

The Central Selection Board is a semi-judicial forum and must examine cases justly and fairly (2014 SCMR 817). The DPC must assess fairly, transparently and on the dossier including ACRs (2022 SCMR 627); for selection posts, quantified ACR marks are a crucial factor (PLD 2008 SC 769). The competent authority is not bound to accept CSB or DPC recommendations and may remand or reject them (2023 SCMR 915); but once the DPC finds an officer fit and the authority accepts, a right is created (1999 SCMR 1540). Returned cases must be re-examined on set criteria (2015 SCMR 1006). A promotion may not be kept pending on the ground that new rules are being framed, and reasons must be given for refusal (2021 SCMR 1281; 2021 SCMR 1266). The courts do not substitute their view for the Board's (2017 PLC(CS) 1263; 2013 SCMR 99), and only the Special Selection Committee can grant BPS-22 on meritorious service (2021 SCMR 1496). The Chief Minister cannot make or reverse promotions contrary to the rules (2001 SCMR 65).

3.3 Delay, deferment and the effective date

Where the department delays the DPC, promotion is reckoned from the date the vacancies arose (PLD 2026 SC 64), and antedated promotion may be granted so that the officer is not prejudiced in seniority (2022 SCMR 448; 2017 SCMR 399). The DPC must meet within a reasonable time (2011 SCMR 1722). A deferred officer, on removal of the cause, ranks with his batchmates (2016 SCMR 1784; 2018 PLC(CS)N 170), an officer later found fit takes seniority from his batchmates' date (2012 SCMR 971; 1995 SCMR 579), and a batch promoted by one DPC is promoted from the date of the first of the batch (2021 SCMR 194). Acting-charge or officiating promotion later regularized carries benefits from the original date (2006 SCMR 1938; 2016 SCMR 2125; 2023 SCMR 686), but current charge confers no status until the CSB approves (2011 SCMR 1194), and acting charge without Board recommendation is invalid (2015 SCMR 106).

3.4 Proforma promotion after retirement

Proforma promotion is due where a person was not considered because of an administrative slip-up (2022 SCMR 2020), may be granted after retirement (2016 SCMR 871), and the retired officer must be heard before an adverse finding (2026 PLC(CS) 1331). The Tribunal must apply the correct law (2022 SCMR 1546), may not itself declare the officer qualified (2025 SCMR 153), may not enlarge its judgment (2021 SCMR 46), and must ensure implementation (2025 SCMR 819). A supersession whose basis has been erased need not be separately challenged (2026 SCMR 74).

3.5 Out-of-turn promotion

No civil servant is entitled to out-of-turn promotion for gallantry or otherwise (2016 SCMR 1525); gallantry may be rewarded but not by out-of-turn promotion (PLD 2011 SC 516). Promotion on a

Chief Minister's direction is nepotism (2017 SCMR 192) and promotion after deletion of section 9-A is illegal (2012 SCMR 680). Benefits under unconstitutional legislation do not attract locus poenitentiae (2013 SCMR 1752). Seniority of out-of-turn promotees is fixed with their batch-mates as if never so promoted (2018 SCMR 1218; 2017 SCMR 868), seniors cannot be kept junior to them (PLD 2003 SC 102; 1998 SCMR 2079), and past wrongs cannot justify further ones (2011 SCMR 1239). Benefits already paid are not recovered, judgments operating prospectively (2021 SCMR 1305). The Peshawar High Court holds out-of-turn promotion against the Constitution and injunctions of Islam (2015 PLC(CS) 159).

3.6 Reversion and demotion

Reversion arises only on a valid promotion and only a promotee can be reverted (2009 SCMR 412); one who obtained promotion by improper means cannot keep its fruits (2009 SCMR 245). A demotion made by simply stating that the promotion was wrongly allowed, behind the officer's back, is set aside (2004 SCMR 623); reversion as out-of-turn promotees requires examination of the service record (2026 SCMR 769); and seven years' satisfactory service in a grade makes demotion unjustified (1990 SCMR 250). As a penalty, demotion may be proportionate to supervisory negligence (2021 SCMR 785) and preferable to a harsh compulsory retirement (2024 SCMR 92).

3.7 Forum

Promotion is a term and condition of service within the Service Tribunal's exclusive jurisdiction (2019 PLC(CS) 1215; 2017 PLC(CS) 905; 2016 PLC(CS) 779), and a civil court cannot decide it (2013 PLC(CS) 1413). But fitness is excluded from the Tribunal under section 4(1)(b), so a writ lies on fitness (2014 PLC(CS) 1134), and where no adequate remedy exists a writ is maintainable (2022 PLC(CS) 635). A retired civil servant in corporation service is outside the Tribunal (1994 SCMR 1654), and the Labour Court cannot order promotion by analogy (2021 SCMR 637).

4. Where the Authorities Conflict or Leave a Gap

Authority over recommendations. 2023 SCMR 915 allows the competent authority to remand or reject CSB/DPC recommendations, while 1999 SCMR 1540 treats a recommendation accepted by the authority as creating a right. The two are reconciled by the stage reached: before acceptance the authority has discretion; after acceptance a right arises.

Writ on fitness. The Peshawar High Court entertains writs on fitness (2014 PLC(CS) 1134) but otherwise treats promotion as within the Tribunal's exclusive jurisdiction (2019 PLC(CS) 1215). Pleadings should identify whether the grievance is fitness or eligibility.

5. Practical Guide

For the officer. Plead eligibility under the rules in force (2026 SCMR 558); seek consideration with reasons (2021 SCMR 1281); claim the date of vacancy or of the batch (PLD 2026 SC 64; 2021 SCMR 194); insist on a hearing before any adverse finding or demotion (2026 PLC(CS) 1331; 2004 SCMR 623); and choose the right forum (2014 PLC(CS) 1134; 2019 PLC(CS) 1215).

For the department. Convene the DPC within reasonable time (2011 SCMR 1722); assess on the full dossier (2022 SCMR 627); record reasons; never grant out-of-turn promotion (2016 SCMR

1525); and revert only promotees, after hearing (2009 SCMR 412).

6. Conclusion

The reported law gives the civil servant no right to promotion but a firm right to fair, timely and reasoned consideration under the rules in force, protects him against departmental delay, forbids out-of-turn promotion, and allows reversion or demotion only of a promotee and only after hearing.

Annexure A — The Judgments in Question and Answer Form

All 100 judgments relied on, Supreme Court first and then the Peshawar High Court, newest first within each court. Each entry gives the citation, parties, bench, case number and date of decision as reported on the Pakistan Law Site, followed by the question decided and the answer.

Supreme Court of Pakistan (81)

1. PLD 2026 SC 64 — Naeem Khan Niazi v. Federation of Pakistan ✓ *Mother judgment*

Before: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ; Civil Petitions Nos. 954 and 981 to 983 of 2022, decided 30 September 2025

Q. From what date is promotion reckoned where the department delays the DPC?

A. “The lawful course, therefore, was to reckon the petitioners' promotion from the date the vacancies first arose in August 2015, notwithstanding the intervening delay.” Tribunal's judgment set aside; appeals allowed.

2. 2026 SCMR 769 — Muhammad Azam v. Province of Sindh

Before: Muhammad Ali Mazhar, Athar Minallah and Salahuddin Panhwar, JJ; C.P.L.As. Nos. 954-K, 955-K, 966-K and 1034-K to 1040-K of 2025, decided 3 September 2025

Q. Can Head Constables be reverted as out-of-turn promotees without examining their service record?

A. “Prior to declaring a promotion as out of turn or shoulder promotion, the Tribunal was obliged to examine the service record”; each case is decided “on its own peculiar facts ... rather than simply relying on the departmental version as gospel truth.” Appeals allowed.

3. 2026 SCMR 74 — Federation of Pakistan v. Rooh ul Amin

Before: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ; Civil Petition No. 4430 of 2022, decided 13 October 2025

Q. Must supersession orders be separately challenged once the adverse remarks behind them are expunged?

A. No. “One cannot be compelled to challenge a shadow of decision whose substratum has been judicially erased”; it would be “an exercise in futility that the law does not demand.” Leave refused.

4. 2026 PLC(CS) 1331 — Mrs. Sabiha Hamid v. Secretary Establishment Division, Government of Pakistan

Before: Munib Akhtar and Irfan Saadat Khan, JJ; Civil Petition No. 3363-L of 2023, decided 9 December 2025

Q. Must a retired officer be heard before the CSB draws an adverse finding on her proforma promotion?

A. Yes. “Before drawing any adverse finding against her, the CSB was required to provide an opportunity of hearing to her in accordance with the rules and the law.” Remanded.

5. 2026 SCMR 558 — Secretary to Government of Khyber Pakhtunkhwa, C&W Department v. Inayat Ullah ✓ *Mother judgment*

Before: Musarrat Hilali and Shakeel Ahmad, JJ; Civil Petitions Nos. 700-P and 701-P of 2024, decided 30 July 2025

Q. Can the department apply promotion rules revised while it had deferred the DPC meeting?

A. "Whoever fulfills the prescribed eligibility conditions acquires a legitimate expectation to be considered for promotion in accordance with the prevailing rules."

6. 2025 SCMR 1221 — Aatika Hina Mushtaq v. Secretary Special Education, Government of the Punjab

Before: Syed Mansoor Ali Shah, ACJ and Shahid Bilal Hassan, J; C.P.L.A. No. 3116 of 2022, decided 21 April 2025

Q. What relief follows where a civil servant was wrongly kept out of the DPC?

A. The Supreme Court "directed Departmental Promotion Committee to consider the case of civil servant for promotion ... on merits and decide the same within one month." Appeal allowed.

7. 2025 SCMR 819 — Ahmed Owais Peerzada v. Principal Secretary to the Prime Minister

Before: Muhammad Ali Mazhar and Syed Hasan Azhar Rizvi, JJ; C.P.L.A. No. 44 of 2022, decided 14 January 2025

Q. May the Service Tribunal simply dispose of an implementation petition without ensuring compliance?

A. No. The Tribunal must alleviate the suffering of the recipient "rather than divesting itself of jurisdiction"; the matter was remanded "to High Power Selection Board to consider case of civil servant for proforma promotion to BS-22."

8. 2025 SCMR 206 — Bashir Ahmed Anjum v. Province of Punjab

Before: Muhammad Ali Mazhar and Syed Hasan Azhar Rizvi, JJ; Civil Appeal No. 2013 of 2022, decided 4 November 2024

Q. What if a claim to proforma promotion is decided under a wrongly published provision?

A. Under "actus curiae neminem gravabit", "nobody should become victim of injustice" from the court's mistake, which "should be remedied by making necessary corrections forthwith." Remanded.

9. 2025 SCMR 153 — Secretary, Ministry of Finance v. Muhammad Anwar

Before: Qazi Faez Isa, C.J., Amin-ud-Din Khan and Athar Minallah, JJ; Civil Petition No. 848 of 2022, decided 12 December 2023 (heard)

Q. Can the Service Tribunal itself declare a retired civil servant 'qualified' for promotion?

A. No. The Tribunal "transgressed its jurisdiction by declaring the respondent ... to be 'qualified' for promotion" and fell "in error by pre-empting the process required to be adopted by the designated forum." Partly allowed.

10. 2024 SCMR 1109 — Inspector General of Police, Punjab v. Waris Ali

Before: Muhammad Ali Mazhar, Ayesha A. Malik and Irfan Saadat Khan, JJ; Civil Appeal No. 3-L of 2016, decided 17 April 2024

Q. What did the Court say about police promotion litigation under Rule 19.25?

A. "Institution of police cannot thrive if it is consistently consumed in litigation for promotion and other service-related benefits."

11. 2024 SCMR 12 — National Bank of Pakistan v. Sajjad Ali Kakakhel

Before: Ijaz ul Ahsan, Jamal Khan Mandokhail and Shahid Waheed, JJ; Civil Petition No. 370 of 2021, decided 11 September 2023

Q. Could the High Court under Article 199 grant proforma promotion to a retired bank employee?

A. No. The interference “was not supported either by the relevant law or by any of the service rules” governing the Bank's employees. Appeal allowed.

12. 2024 SCMR 92 — Mst. Shahida Siddiqa v. Allied Bank Limited

Before: Syed Mansoor Ali Shah, Sayyed Mazahar Ali Akbar Naqvi and Irfan Saadat Khan, JJ; Civil Appeals Nos. 836-L and 837-L of 2013, decided 14 November 2023

Q. Is compulsory retirement proportionate where only negligence, not embezzlement, is found?

A. No; it “would definitely be harsh”; the demotion to a lower grade was upheld with “all back benefits as available to a Grade-III Officer.”

13. 2023 SCMR 915 — Federation of Pakistan v. Misri Ladhani ✓ *Mother judgment*

Before: Umar Ata Bandial, C.J., Muhammad Ali Mazhar and Ayesha A. Malik, JJ; Civil Appeals Nos. 21 and 22 of 2022, decided 2 June 2022

Q. Is the competent authority bound to accept the recommendations of the CSB or DPC?

A. No. Rule 7 nowhere says “that the competent authority is by all means bound to accept the recommendations and has no power or jurisdiction to remand or reject the recommendations of CSB or DPC.”

14. 2023 SCMR 686 — Province of Sindh v. Ghulam Shabbir

Before: Muhammad Ali Mazhar and Syed Hasan Azhar Rizvi, JJ; Civil Appeals Nos. 52-K to 71-K of 2022, decided 30 December 2022

Q. From when is promotion on acting charge basis regularized?

A. The competent authority was directed “to consider the promotion with effect from the dates when vacancies in their quota became available.” Appeals dismissed.

15. 2022 SCMR 627 — Capital Development Authority v. Shabir Hussain

Before: Gulzar Ahmed, C.J. and Muhammad Ali Mazhar, J; Civil Petition No. 3455 of 2020, decided 1 December 2021

Q. How must the DPC assess officers?

A. In “a fair, unbiased and transparent manner keeping in view the 'dossier' ... including Annual Confidential Reports (ACRs) of every individual officer/employee.”

16. 2022 SCMR 448 — Bashir Ahmed Badini, D&SJ v. Chairman and Members of Administration and Promotion Committee, High Court of Balochistan ✓ *Mother judgment*

Before: Gulzar Ahmed, C.J., Mazhar Alam Khan Miankhel and Muhammad Ali Mazhar, JJ; Civil Appeals Nos. 446 to 454 of 2021, decided 28 January 2022

Q. What is the remedy for an officer harmed by delay in holding the DPC?

A. The competent authority “may grant antedated promotion ... so that such officer/employee may not be subjected to a lower position in his/her seniority list or become victim of unwarranted delay in holding DPC.”

17. 2022 SCMR 2020 — Federation of Pakistan v. Jahanzeb

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Muhammad Ali Mazhar, JJ; Civil Petitions Nos. 3157 to 3165 of 2022, decided 26 September 2022

Q. When is proforma promotion due under F.R. 17?

A. Where a person is not considered "due to any administrative slip-up, error"; withholding it compels retired employees to "knock the doors of Courts of law for their withheld legitimate rights."

18. 2022 SCMR 1546 — Homoeo Dr. Asma Noreen Syed v. Government of the Punjab

Before: Sardar Tariq Masood and Muhammad Ali Mazhar, JJ; Civil Appeal No. 1653 of 2021, decided 12 May 2022

Q. What is the Tribunal's first duty in a claim to proforma promotion after retirement under section 8(5)?

A. "Foremost duty in the dispensation of justice was to apply the correct law." Remanded.

19. 2021 SCMR 1496 — Khushdil Khan Malik v. Secretary, Establishment Division

Before: Mushir Alam, Mazhar Alam Khan Miankhel and Munib Akhtar, JJ; Civil Petitions Nos. 1092 and 1093 of 2018, decided 12 September 2018

Q. Who decides promotion to BPS-22 on meritorious service?

A. "Role of Special Selection Committee could not be assumed by any other authority by any stretch of interpretation of the relevant policy, and not even by the courts."

20. 2021 SCMR 1305 — Zarai Taraqiati Bank Limited v. Sarfraz Khan Jadoon

Before: Gulzar Ahmed, C.J., Mazhar Alam Khan Miankhel and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Appeal No. 97 of 2021 and Civil Petition No. 3478 of 2021, decided 10 June 2021

Q. Can benefits already paid under out-of-turn promotions set aside by the Court be recovered?

A. No. "The judgments of the Courts always operated prospectively"; the High Court "had rightly given directions not to recover/adjust the financial benefits."

21. 2021 SCMR 1281 — Government of Khyber Pakhtunkhwa v. Hizbullah Khan ✓ *Mother judgment*

Before: Gulzar Ahmed, C.J., Mazhar Alam Khan Miankhel and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Petition No. 18-P of 2021, decided 8 June 2021

Q. May the DPC keep a promotion case pending because new rules are being framed?

A. No. If promotion is denied, "the employee had to be informed by giving reasons"; and "when the relevant promotion rules were in the field, a civil servant's case of promotion could not be kept pending ... on the ground that new promotion rules were being finalized."

22. 2021 SCMR 1266 — Secretary Agriculture, Livestock and Cooperation Department, Peshawar v. Anees Ahmad

Before: Gulzar Ahmed, C.J., Mazhar Alam Khan Miankhel and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Appeal No. 40 of 2021, decided 8 June 2021

Q. What must the DPC do with an eligible officer's pro forma promotion?

A. Consider his case "and then pass an order of granting promotion and in case it did not grant promotion, to give reasons for the same." Appeal dismissed.

23. 2021 SCMR 637 — PESCO v. Ishfaq Khan

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Appeal No. 900 of 2020, decided 1 February 2021

Q. Can the Labour Court direct a company to constitute a committee to grant promotion by analogy with other companies?

A. No; that "was beyond its scope." Appeal allowed.

24. 2021 SCMR 194 — Dr. Zohara Jabeen v. Muhammad Aslam Pervaiz

Before: Manzoor Ahmad Malik and Syed Mansoor Ali Shah, JJ; Civil Appeals Nos. 762-L to 766-L of 2012, decided 2 December 2020

Q. How is seniority of a batch promoted by one DPC fixed?

A. They are "considered to have been promoted from the date when the first amongst the batch was promoted and would also retain their inter se seniority of the lower post."

25. 2021 SCMR 785 — Muhammad Naeem Khan v. President, National Bank of Pakistan

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Syed Mansoor Ali Shah, JJ; Civil Appeal No. 1474 of 2015, decided 10 December 2020

Q. Is demotion of a branch manager by one grade for three years proportionate for covering up fraud?

A. Yes. "Penalty imposed on the appellant was proportionate to the gravity of his offence." Appeal dismissed.

26. 2021 SCMR 46 — Secretary Establishment Division v. Tahawwar Ahmad

Before: Gulzar Ahmed, C.J. and Ijaz ul Ahsan, J; Civil Appeal No. 559 of 2020, decided 16 September 2020

Q. Can the Tribunal, in implementing a proforma promotion, expand its judgment to grant further benefits?

A. No. The order "to process the case for allotment of an additional plot ... was set aside"; the Tribunal considered neither FR-17 nor Government policy.

27. 2019 SCMR 993 — Dr. Yasmeen Jaffar v. Dr. Shehla Sami

Before: Sh. Azmat Saeed and Ijaz ul Ahsan, JJ; Civil Petition No. 1787 of 2016, decided 2 April 2019

Q. Can a pro forma promotion granted without hearing affected officers stand?

A. No; the petitioner was also "not eligible for promotion ... on account of shortfall in her relevant experience"; the "Service Tribunal had rightly set aside the notification." Leave refused.

28. 2018 SCMR 1995 — Muhammad Rashid Bhatti v. Director General FIA

Before: Gulzar Ahmed and Sajjad Ali Shah, JJ; Civil Petition No. 631-K of 2016, decided 21 December 2017

Q. Does F.R. 17(1) protect seniority of an officer deliberately superseded?

A. No. He "was deliberately superseded and such supersession was also endorsed by the Departmental Promotion Committee"; Rule 17(1) "was not applicable." Leave refused.

29. 2018 SCMR 1218 — Akhter Umar Hayat Lalayka v. Mushtaq Ahmed Sukhaira

Before: Mian Saqib Nisar, C.J., Sh. Azmat Saeed, Umar Ata Bandial, Ijaz ul Ahsan and Sajjad Ali Shah, JJ; Criminal Original Petitions Nos. 138, 96 and connected matters of 2016–2018, decided 13 May 2018

Q. How is the seniority of officers who received out-of-turn promotions to be fixed?

A. "By fixing the seniority of all the police officers/officials who were given out of turn promotions along with their batch-mates, as if they were never given out of turn promotion."

30. 2017 SCMR 969 — Federation of Pakistan v. Dr. Muhammad Arif

Before: Mian Saqib Nisar, C.J., Maqbool Baqar and Ijaz ul Ahsan, JJ; Civil Appeals Nos. 2109 to 2139 of 2016 and connected matters, decided 13 March 2017

Q. What happens to left-out officers when a promotion process is set aside?

A. If later recommended, “they shall maintain their seniority vis-a-vis those who were recommended for promotion through the impugned process” so that their consequential benefits are “not adversely affected.”

31. 2017 SCMR 868 — Khalid Mehmood Afzal v. Mushtaq Sukhera, IG Police

Before: Amir Hani Muslim, Qazi Faez Isa and Sardar Tariq Masood, JJ; Criminal Original Petitions Nos. 60 and 62 of 2017 and connected matters, decided 29 March 2017

Q. What follows on the IG's report on out-of-turn promotions?

A. The report was to be acted upon and “notifications with regard to withdrawing the 'out of turn promotions' be immediately issued.”

32. 2017 SCMR 399 — Executive District Officer (Revenue) Bahawalpur v. Muhammad Attique

Before: Iqbal Hameedur Rahman and Umar Ata Bandial, JJ; Civil Appeal No. 316-L of 2009, decided 21 July 2016

Q. Is a Kanungo not considered for Naib-Tehsildar entitled to antedated promotion?

A. Yes; the Tribunal “had rightly given directions to consider respondent for antedated promotion ... with effect from the date when the vacancy ... had been reserved for his senior-colleague.” Appeal dismissed.

33. 2017 SCMR 192 — Amanulah v. Government of Balochistan

Before: Amir Hani Muslim, Ejaz Afzal Khan and Mushir Alam, JJ; Civil Petition No. 80-Q of 2010, decided 25 April 2014

Q. Can an out-of-turn promotion on the Chief Minister's directions be sustained?

A. No. It was “a glaring example of nepotism and undue favour ... opposed to Oath of office”; the “out of turn promotion ... could not be sustained.” Leave refused.

34. 2017 PLC(CS) 1263 — Ms. Shabnam Irshad Ahmed v. Muhammad Muneer Malik

Before: Ejaz Afzal Khan and Qazi Faez Isa, JJ; Civil Petitions for Leave to Appeal Nos. 1221 and 1279 of 2016, decided 29 July 2016

Q. Can the High Court substitute its own view for that of a Selection Board?

A. No; the High Court “could not substitute its own view for that of the board but it could turn down a conclusion based on a wrong arithmetical calculation.”

35. 2016 SCMR 2125 — Secretary to Government of the Punjab, C&W Department v. Muhammad Khalid Usmani

Before: Umar Ata Bandial and Ijaz ul Ahsan, JJ; Civil Appeals Nos. 420-L, 421-L and 423-L to 425-L of 2009, decided 11 August 2016

Q. From when are officers promoted 'on officiating basis' regularized?

A. “On regular basis with effect from the respective dates on which they were promoted 'on officiating basis' with all consequential benefits.” Appeal dismissed.

36. 2016 SCMR 1784 — Chief Secretary, Sindh v. Riaz Ahmed Massan ✓ *Mother judgment*

Before: Mushir Alam and Dost Muhammad Khan, JJ; Civil Appeal No. 28-K of 2013, decided 27 April 2016

Q. Where does a deferred officer rank once the cause of deferment is removed?

A. On subsequent promotion he “would rank and be deemed to have been promoted in the same batch at par with his contemporary batchmates who were promoted earlier to him.”

37. 2016 SCMR 1525 — Regional Police Officer Gujranwala v. Ejaz Ahmad ✓ *Mother judgment*

Before: Amir Hani Muslim and Umar Ata Bandial, JJ; Civil Appeal No. 184-L of 2013, decided 26 January 2016

Q. Is a police officer entitled to out-of-turn promotion for gallantry?

A. “No civil servant (or police personnel) was entitled to out of turn promotion on account of gallantry award or otherwise.”

38. 2016 SCMR 871 — Askari Hasnain v. Secretary Establishment

Before: Amir Hani Muslim and Gulzar Ahmed, JJ; C.P. No. 306-K of 2015, decided 23 September 2015

Q. Can pro forma promotion be granted after retirement?

A. Yes; it “in no way, would affect the serving officers”; the competent authority was directed “to issue the required notification of pro forma promotion.”

39. 2015 SCMR 1006 — Secretary Establishment Division v. Aftab Ahmed Manika

Before: Nasir-ul-Mulk, C.J., Gulzar Ahmed and Mushir Alam, JJ; Civil Petitions Nos. 41 and 66 of 2015, decided 22 April 2015

Q. How must the CSB re-examine cases returned to it?

A. “On the basis of criteria already set for determining fitness ... without being influenced by observations made in the summary for the return of recommendations to the board.”

40. 2015 SCMR 456 — Ali Azhar Khan Baloch v. Province of Sindh

Before: Nasir-ul-Mulk, C.J., Amir Hani Muslim and Ijaz Ahmed Chaudhry, JJ; Review petitions and connected matters (C.A. 12-K of 2012, C.A. 98-K of 2010 and Civil Petition No. 968 of 2014), decided 5 January 2015

Q. Can section 24 of the Sindh Civil Servants Act be used to benefit some civil servants at others' cost?

A. No. Exercise of powers under section 24 “travelled beyond the scheme of the Sindh Civil Servants Act, 1973.” Review dismissed.

41. 2015 SCMR 106 — Secretary, Ministry of Science and Technology v. Muhammad Anwar Butt

Before: Jawwad S. Khawaja, Amir Hani Muslim and Dost Muhammad Khan, JJ; Civil Petition No. 804 of 2014, decided 9 September 2014

Q. Is appointment on acting charge in BS-20 without Selection Board recommendation valid?

A. No; it “was unwarranted in law being invalid, thus he could not claim pensionary benefits of BS-20.”

42. 2014 SCMR 817 — Orya Maqbool Abbasi v. Federation of Pakistan ✓ *Mother judgment*

Before: Iftikhar Muhammad Chaudhry, C.J., Ijaz Ahmed Chaudhry and Sh. Azmat Saeed, JJ; Constitutional Petition No. 22 of 2013, decided 3 October 2013

Q. What is the duty of the Central Selection Board?

A. “Central Selection Board being a semi judicial forum would have to examine cases of officers justly and fairly.”

43. 2013 SCMR 1752 — Contempt Proceedings against Chief Secretary, Sindh

Before: Tassaduq Hussain Jillani, Asif Saeed Khan Khosa and Amir Hani Muslim, JJ; Consolidated petitions, appeals and H.R.C. Nos. 12995-S and 2103-G of 2011, decided 12 June 2013

Q. Do benefits given to civil servants by legislation contrary to the Constitution survive under locus poenitentiae?

A. No; such benefits "would not attract principle of locus poenitentiae"; the Court declared "the impugned legislations and benefit extended thereunder to be violative of the Constitution."

44. 2013 SCMR 752 — Chairman, State Life Insurance Corporation of Pakistan v. Siddiq Akbar

Before: Nasir-ul-Mulk and Tariq Parvez, JJ; Civil Appeal No. 1186 of 2012, decided 30 January 2013

Q. Can a reinstated employee be denied benefits for the period he was kept out?

A. No; his "service record could neither be adversely affected nor could he be denied any benefit to which he would have been entitled had he not been suspended or dismissed."

45. 2013 SCMR 99 — Mrs. Kausar A. Ghaffar v. Government of the Punjab

Before: Tassaduq Hussain Jillani, Mian Saqib Nisar and Sarmad Jalal Osmany, JJ; Civil Petition No. 1524-L of 2012, decided 9 October 2012

Q. Can vague allegations of mala fides displace the Board's finding on fitness?

A. No. They "were vague, unsubstantiated and could not be the basis to interfere with the order of the competent board determining fitness."

46. 2012 SCMR 971 — Muhammad Zahir Raja v. Federation of Pakistan

Before: Sarmad Jalal Osmany and Gulzar Ahmed, JJ; Civil Appeal No. 134 of 2011, decided 10 April 2012

Q. What seniority does an officer get if the CSB later finds him fit?

A. "If found fit for promotion, he would take seniority from the date his batch mates were promoted."

47. 2012 SCMR 680 — Muhammad Fahim Soomro v. Waqar Ahmed Qadri

Before: Sarmad Jalal Osmany, Gulzar Ahmed and Muhammad Athar Saeed, JJ; Civil Petition No. 188-K of 2011, decided 6 March 2012

Q. Is an out-of-turn promotion made after deletion of section 9-A valid?

A. No. Promotion by the Chief Minister "after deletion of S. 9-A of Sindh Civil Servants Act ... would be illegal."

48. PLD 2011 SC 516 — Ghulam Shabbir v. Muhammad Munir Abbasi

Before: Sarmad Jalal Osmany and Amir Hani Muslim, JJ; Civil Petition No. 657-K of 2010, decided 2 March 2011

Q. Should gallantry be rewarded by out-of-turn promotion?

A. It may be rewarded but "should not be made the basis of out of turn promotion"; any such promotion should be "regulated through proper process as per Rule 8-B."

49. 2011 SCMR 1871 — Muhammad Azam v. Muhammad Tufail

Before: Javed Iqbal and Jawwad S. Khawaja, JJ; Civil Appeals Nos. 653 and 656 of 2008, decided 2 November 2010

Q. Was a Kanungo promoted after passing the required examination entitled to earlier pro forma promotion?

A. No. He was promoted on 2-8-1990 when the Rules were in force and "was not entitled for pro forma promotion w.e.f. 4-8-1990."

50. 2011 SCMR 1722 — Secretary to Government of Punjab, Agriculture Department v. Faiz Ahmad Dogar

Before: Javed Iqbal, Jawwad S. Khawaja and Anwar Zaheer Jamali, JJ; Civil Appeal No. 115 of 2006, decided 26 November 2010

Q. Within what time must a DPC meeting be held?

A. No time limit is fixed, but the meeting "should be held within a reasonable time"; 6-7-2004 was fixed as the date of promotion. Appeal allowed.

51. 2011 SCMR 1433 — Muhammad Hussain v. Executive District Officer (Health), Mandi Bahauddin

Before: Tassaduq Hussain Jillani and Amir Hani Muslim, JJ; Civil Petitions Nos. 646-L to 648-L of 2010, decided 27 May 2011

Q. Can a promotion order be recalled on an inquiry that did not examine the promotion committee?

A. No; the judgment was set aside and an inquiry committee ordered to be constituted and concluded within specified time.

52. 2011 SCMR 1239 — Government of Punjab v. Sardar Zafar Iqbal Dogar

Before: Javed Iqbal, Tassaduq Hussain Jillani, Raja Fayyaz Ahmed and Anwar Zaheer Jamali, JJ; Civil Appeal No. 236 of 2006, decided 2 February 2011

Q. Can earlier wrong promotions justify further ones on the plea of equal treatment?

A. No; they "could not be made basis to justify further wrongs on plea of equal treatment or non-discrimination."

53. 2011 SCMR 1194 — Dr. R.A. Siyal v. Federation of Pakistan

Before: Mian Shakirullah Jan, Anwar Zaheer Jamali and Tariq Parvez, JJ; Civil Review Petition No. 194 of 2009, decided 26 May 2011

Q. Does a current-charge posting confer the higher status?

A. No; the civil servant "held the same status which was held by him until approval of his case by the central selection board followed by due notification."

54. 2011 SCMR 389 — Director-General Intelligence Bureau v. Amir Mujahid Khan

Before: Mian Shakirullah Jan and Ch. Ijaz Ahmed, JJ; Civil Appeals Nos. 710 to 719 of 2009, decided 13 October 2009

Q. Can inter se seniority of promotees be decided in collateral proceedings?

A. No; "such issue of inter se seniority could not be decided in collateral proceedings."

55. 2011 PLC(CS) 1086 — Syed Dilawar Madad v. Government of Pakistan

Before: Zia Perwez, Sabihuddin Ahmed and Sarmad Jalal Osmany, JJ; Civil Petition No. 402-K of 2008, decided 11 November 2008

Q. Can a representation against demotion be made years later under the Removal from Service Ordinance, 2000?

A. No; the appellant "was not entitled to make representation at his sweet will after more than two years of impugned order of demotion." Leave refused.

56. 2010 SCMR 511 — Secretary, Ministry of Health v. Dr. Rehana Hameed ✓ *Mother judgment*

Before: Mian Shakirullah Jan and Ch. Ijaz Ahmed, JJ; Civil Appeal No. 969 of 2009, decided 29 September 2009

Q. Is there a vested right to promotion?

A. No, but "where rules, regulations and policy had been framed ... for mala fide reasons or due to arbitrary act of competent authority, aggrieved person was entitled to challenge the same."

57. 2009 SCMR 412 — Fuad Asadullah Khan v. Federation of Pakistan ✓ *Mother judgment*

Before: Abdul Hameed Dogar, C.J., Ijaz-ul-Hassan Khan and Ch. Ejaz Yousaf, JJ; Civil Petition for Leave to Appeal No. 1585 of 2000, decided 10 November 2008

Q. Who can be reverted?

A. "Question of reversion can only arise when a valid and proper promotion has been made---Direct recruit to a post cannot be reverted to a lower post; it is only a promotee who can be reverted."

58. 2009 SCMR 245 — Farhat Abbas v. Inspector General of Police

Before: Mian Shakirullah Jan, Zia Perwez and Syed Sakhi Hussain Bokhari, JJ; Civil Appeal No. 116 of 2006, decided 8 September 2008

Q. May one keep the fruits of an out-of-turn promotion obtained by such means?

A. No; that would reward the person "to continue to enjoy fruits of such ill-gotten gains and thus could perpetuate injustice." Reversion maintained.

59. 2009 SCMR 25 — Central Board of Revenue v. Muhammad Nadir Khan Hoti

Before: Abdul Hameed Dogar, C.J., Ijaz-ul-Hassan Khan and Ch. Ejaz Yousaf, JJ; Civil Petition No. 237 of 2008, decided 27 May 2008

Q. What if an eligible officer's case is not placed before the CSB without reason?

A. The Tribunal's direction that the case "be immediately placed before the central selection board for promotion to BPS-20" was upheld.

60. PLD 2008 SC 769 — Fazali Rehmani v. Chief Minister, N.-W.F.P. ✓ *Mother judgment*

Before: Abdul Hameed Dogar, C.J., Ijaz-ul-Hassan Khan and Ch. Ejaz Yousaf, JJ; Civil Appeal No. 1346 of 2007, decided 19 June 2008

Q. How is comparative merit determined for selection posts?

A. Grading of "quality of work" and "integrity" in all ACRs is quantified and "those marks shall be a crucial factor in determining comparative merit of officers for promotion to selection posts."

61. 2007 SCMR 1864 — Inspector-General of Police, Punjab v. Muhammad Iqbal

Before: Javed Iqbal, Actg. C.J. and Sardar Muhammad Raza Khan, J; Civil Appeal No. 203 of 2006, decided 28 May 2007

Q. Can constables get out-of-turn promotion from the date of an encounter while the leading Sub-Inspector is promoted later?

A. No; "granting promotion to Sub-Inspector from 1-8-1992 was sheer discrimination." Appeal dismissed.

62. 2007 SCMR 1748 — Dr. Muhammad Siddique v. Dr. Riffat Aysha Anis

Before: Rana Bhagwandas and Hamid Ali Mirza, JJ; Civil Petition No. 1900 of 2004, decided 4 October 2004

Q. Can a promotion rest on placing the officer in a cadre the Government never created?

A. No; "placing of respondent under miscellaneous cadre was unauthorized and illegal"; the petitioner's promotion order was set aside.

63. 2007 SCMR 13 — Punjab Workers' Welfare Board v. Mehr Din

Before: Khalil-ur-Rehman Ramday and Ch. Ijaz Ahmed, JJ; Civil Petition No. 1832-L of 2006, decided 2 October 2006

Q. What becomes of a superstructure built on a void promotion on trial basis?

A. The "superstructure was to fall on ground automatically"; concurrent conclusions not interfered with.

64. 2006 SCMR 1938 — Luqman Zareen v. Secretary Education, N.-W.F.P.

Before: Khalil-ur-Rehman Ramday and Raja Fayyaz Ahmed, JJ; C.Ps. Nos. 326-P to 342-P, 485-P, 486-P, 513-P to 519-P, 586-P and 622-P of 2005, decided 21 June 2006

Q. Is an officer later regularly promoted entitled to benefits from his acting charge?

A. Yes; he is entitled "not only to the salary attaching to such post but also to all consequential benefits from that very date from which he had put on the said post on officiating or acting charge basis."

65. 2006 SCMR 1473 — Muhammad Malik v. Abdul Shakoor Memon

Before: Faqir Muhammad Khokhar and Tassaduq Hussain Jillani, JJ; Civil Petitions Nos. 2943 of 2004, 115 and 124 of 2005, decided 28 February 2005 (heard)

Q. What order follows where promotion was not decided in accordance with the rules?

A. The authority "would consider and decide afresh case of promotion in accordance with law, rules and instructions within a period of two months."

66. 2004 SCMR 623 — Nazeer Ahmed Chakrani v. Government of Pakistan ✓ *Mother judgment*

Before: Iftikhar Muhammad Chaudhry, Qazi Muhammad Farooq and Hamid Ali Mirza, JJ; Civil Petition No. 1380 of 2000, decided 7 May 2001

Q. Can a civil servant be demoted simply by stating that his promotion was wrongly allowed?

A. No. "His promotion was scrutinized behind his back and he was condemned unheard"; the demotion order was set aside.

67. 2004 SCMR 497 — Muhammad Zakir Khan v. Government of Sindh

Before: Rana Bhagwandas and Syed Deedar Hussain Shah, JJ; Civil Petition for Leave to Appeal No. 471-K of 2002, decided 10 December 2003

Q. Does a place in the seniority list confer a vested right against recall?

A. No; "seniority being not a vested right ... did not confer any vested right on him to invoke the doctrine of locus poenitentiae."

68. 2004 SCMR 183 — WAPDA v. M.M. Chandio

Before: Qazi Muhammad Farooq, Hamid Ali Mirza and Abdul Hameed Dogar, JJ; Civil Petition for Leave to Appeal No. 655 of 2003, decided 27 May 2003

Q. Can a demoted officer, later exonerated, be removed on a reopened case without hearing?

A. No; he "was not given any hearing nor any ground was communicated to him"; leave refused to the Authority.

69. PLD 2003 SC 102 — Muhammad Gulshan Khan v. Secretary, Establishment Division

Before: Nazim Hussain Siddiqui, Hamid Ali Mirza and Tanvir Ahmed Khan, JJ; Civil Petition for Leave to Appeal No. 2680 of 2001, decided 23 September 2002

Q. Can a senior officer be kept junior to those promoted out of turn?

A. No; he "could not be kept junior to the persons who were promoted out of turn in the seniority list."

70. 2001 SCMR 65 — Abdul Samad Umrani v. Zahid Ali Badini

Before: Iftikhar Muhammad Chaudhry and Javed Iqbal, JJ; Civil Petitions Nos. 111-Q and 116-Q of 1998, decided 24 May 2000

Q. Can the Chief Minister reverse the promotion recommendations?

A. No; he "was not authorised to make any promotion in view of the categoric provisions made in R. 6 of Balochistan Deputy Superintendents of Police Service Rules, 1978."

71. 2000 SCMR 1194 — Province of Punjab v. Roohi Manzoor Khan

Before: Sh. Riaz Ahmed and Ch. Muhammad Arif, JJ; Civil Appeals Nos. 9 and 69 of 1999, decided 17 November 1999

Q. Can non-recognition of foreign qualifications exclude an officer from promotion?

A. Not in the absence of a direction from Government or the Selection Board; it "could not be equated with the exclusion from the normal process of promotion."

72. 1999 SCMR 1540 — Chairman, Central Board of Revenue v. Muhammad Malook ✓ *Mother judgment*

Before: Ajmal Mian, C.J., Munawar Ahmed Mirza and Ch. Muhammad Arif, JJ; Civil Petition No. 591 of 1998, decided 15 October 1998

Q. Does a right arise once the DPC finds an officer fit and the authority accepts it?

A. Yes; "a right was created in favour of civil servant and withholding of civil servant's name from being notified for promotion in B-18 was, thus, not warranted by law."

73. 1999 SCMR 2364 — Waseem Ismat Chaudhry v. Chairman and Dean, Shaikh Zayed Hospital

Before: Ajmal Mian, C.J., Munawar Ahmed Mirza and Ch. Muhammad Arif, JJ; Civil Petition No. 740-L of 1997, decided 30 December 1998

Q. From when is service in a promotion post regularized?

A. "From the date his name was recommended for promotion to post of B-20 by Departmental Selection Committee." Leave refused.

74. 1998 SCMR 2079 — Ehsan Ullah v. Government of Pakistan

Before: Saiduzzaman Siddiqui and Sh. Riaz Ahmad, JJ; Civil Petition for Leave to Appeal No. 456 of 1995, decided 27 November 1995

Q. Can an officer at Serial No. 20 be promoted ignoring seniors?

A. No; "he could not be promoted out of turn by ignoring persons who were senior to him." Leave refused.

75. 1998 SCMR 850 — N.-W.F.P. v. Dost Muhammad

Before: Muhammad Bashir Jehangiri and Abdur Rehman Khan, JJ; Civil Petition for Leave to Appeal No. 172-P of 1997, decided 13 February 1998

Q. How are promotion rules construed?

A. The Tribunal "had kept in mind concept of reasonableness and benevolence"; its interpretation "seemed to be in accord with principles of interpretation of statutes." Leave refused.

76. 1998 SCMR 736 — Iftikharullah Malhi v. Chief Secretary

Before: Ajmal Mian, Abdul Hafeez Memon and Mukhtar Ahmad Junejo, JJ; Civil Appeal No. 834 of 1993, decided 23 April 1997

Q. What is the remedy for an officer denied promotion on seniority-cum-fitness?

A. His case was to be placed "before Departmental Promotion Committee with all relevant ACRs" and, "if found fit, he would be entitled to financial benefits arising therefrom."

77. 1998 SCMR 88 — Muhammad Siddique v. Director, Special Education

Before: Zia Mahmood Mirza and Mukhtar Ahmad Junejo, JJ; Civil Petitions Nos. 993, 998, 1004, 1007 and 1012-L of 1995, decided 11 December 1996

Q. From what date may pro forma promotion be sought?

A. "With effect from date when post in question became available and/or the date when her case was deferred by Departmental Promotion Committee."

78. 1995 SCMR 874 — Noor Ali Khan v. Secretary, Establishment Division

Before: Fazal Ilahi Khan and Wali Muhammad Khan, JJ; Civil Miscellaneous Petition No. 218 in Civil Petition No. 29 of 1994, decided 22 August 1994

Q. Does an officer deferred for not passing the departmental examination keep his old seniority?

A. Not against colleagues already promoted after qualifying, "though deferment ... was not to disturb inter se seniority and same would be retained after he qualified Departmental examination."

79. 1995 SCMR 579 — Faris Rahman Khan v. Federation of Pakistan

Before: Saleem Akhtar, Zia Mehmood Mirza and Mir Hazar Khan Khoso, JJ; Civil Appeal No. 733 of 1992, decided 15 January 1995

Q. From what date is an officer approved by the CSB promoted?

A. "He was entitled to be promoted with effect from the date on which other officers approved for promotion in the said meeting were promoted."

80. 1994 SCMR 1654 — Khurshid Ahmed Goreja v. Appellate Authority

Before: Ajmal Mian, Saleem Akhtar and Wali Muhammad Khan, JJ; Civil Petition No. 380 of 1992, decided 20 April 1993

Q. Can a retired civil servant re-employed in a corporation challenge his demotion before the Service Tribunal?

A. No; the Tribunal "rightly declined to assume jurisdiction on the ground that petitioner at the time of order in question was not a civil servant."

81. 1990 SCMR 250 — Federation of Pakistan v. C.M. Sharif

Before: Muhammad Haleem, C.J., Nasim Hassan Shah, Shafiur Rahman and Ali Hussain Qazilbash, JJ; Civil Appeal No. 672 of 1984, decided 14 May 1989

Q. Can an officer who worked satisfactorily in Grade-20 for seven years be demoted?

A. No; his "demotion to Grade-19 was thus rightly held to be unjustified by Service Tribunal."

Peshawar High Court (19)

82. 2025 PLC(CS) 755 — Gulzar Muhammad v. Government of Khyber Pakhtunkhwa

Before: Musarrat Hilali and Ijaz Anwar, JJ; Writ Petition No. 3745-P of 2018, decided 7 April 2021

Q. What is the remedy where promotion was declined during disciplinary proceedings that were delayed?

A. The case was directed to be "placed before the Local Council Board for pro forma promotion in accordance with law positively within a period of two months."

83. 2024 PLC(CS) 1232 — Muhammad Gul Khalil v. Managing Director KTH, Peshawar

Before: Muhammad Ibrahim Khan and Muhammad Ijaz Khan, JJ; Writ Petition No. 6585-P of 2018, decided 21 July 2022

Q. Can officers whose fitness is yet to be determined by the DPC sue?

A. No; their "claims for promotion" were "yet to be determined by the DPC, and as such they had no locus standi."

84. 2022 PLC(CS) 1239 — Muhammad Rustam v. Registrar, Peshawar High Court

Before: Lal Jan Khattak and Ijaz Anwar, JJ; Writ Petition No. 817-A of 2017, decided 22 January 2019

Q. Can the Promotion Policy, 2009 be used for upgradation?

A. No; it "could not be outstretched so that it might be made a base for the promotion"; upgradation has its own policy.

85. 2022 PLC(CS) 635 — Farman Ullah v. Government of Khyber Pakhtunkhwa

Before: Abdul Shakoor and Sahibzada Asadullah, JJ; Writ Petition No. 1127-D of 2017, decided 25 January 2021

Q. Is a writ maintainable where no adequate remedy lies before the Tribunal?

A. Yes; "the petitioners lacking adequate efficacious remedy ... had a right to seek the constitutional remedy."

86. 2020 PLC(CS) 227 — Naeemullah v. Controlling Authority, BISE Malakand

Before: Muhammad Ghazanfar Khan and Syed Arshad Ali, JJ; C.O.C. No. 116-P of 2018, decided 11 December 2018

Q. How must the Board consider promotion to Assistant Controller?

A. Authorities were directed to consider the petitioner "according to the criteria as envisaged under Chapter XXVIII" of the BISE Act, 1990.

87. 2019 PLC(CS) 1443 — Rizwan Ullah v. Government of Khyber Pakhtunkhwa

Before: Muhammad Ghazanfar Khan and Syed Arshad Ali, JJ; W.P. No. 67-M of 2018, decided 12 November 2018

Q. How are BISE posts of Assistant Secretary/Controller filled?

A. Partly by selecting Board employees and the remaining "on promotion from the employees in their respective cadres on the basis of seniority-cum-merit or deputation."

88. 2019 PLC(CS) 1215 — Sanaullah Khan v. Government of Khyber Pakhtunkhwa

Before: Abdul Shakoor and Shakeel Ahmad, JJ; Writ Petition No. 688-B of 2017, decided 19 December 2017

Q. Can the High Court hear a promotion dispute of a civil servant?

A. No; jurisdiction "was barred under Art. 212 of the Constitution"; petition dismissed in limine.

89. 2018 PLC(CS)N 170 — Capt. Zahur Ahmad Khan Khalil v. Government of Pakistan

Before: Waqar Ahmad Seth and Ijaz Anwar, JJ; Writ Petition No. 3801-P of 2016, decided 8 November 2017

Q. From what date is a deferred officer, cleared by the Board, promoted?

A. Case to be placed before the Selection Board and "if cleared be allowed promotion from the date he was lastly deferred."

90. 2018 PLC(CS)N 112 — Munawar Khan v. Government of Khyber Pakhtunkhwa

Before: Ijaz Anwar and Waqar Ahmad Seth, JJ; W.P. No. 4696-P of 2016, decided 6 April 2017

Q. What becomes of an arbitrary notification filling a promotion post?

A. It was "struck down" and the post of Director Local Fund Audit ordered to be filled "in accordance with law within a period of two months."

91. 2017 PLC(CS) 905 — Irfan Aman Yousafzai v. Federation of Pakistan

Before: Yahya Afridi and Muhammad Daud Khan, JJ; Writ Petition No. 68-P of 2015, decided 14 April 2015

Q. Are prospects of promotion terms and conditions of service?

A. Yes; the High Court was barred, "exclusive jurisdiction would vest with the Service Tribunal."

92. 2017 PLC(CS) 62 — Atta Ullah v. Chief Secretary, Khyber Pakhtunkhwa

Before: Waqar Ahmad Seth and Musarrat Hilali, JJ; Writ Petitions Nos. 2905 of 2009 and connected petitions, decided 26 January 2015

Q. What if promotion quota posts remain unfilled?

A. The department was directed "to fill up all the posts as per quota on promotion basis till the backlog was washed out, till then there would be complete ban on fresh recruitments."

93. 2016 PLC(CS) 779 — Mullana Ihsan ul Hadi v. Government of Khyber Pakhtunkhwa

Before: Rooh-ul-Amin Khan and Syed Afsar Shah, JJ; Writ Petition No. 1990-P of 2013, decided 30 October 2014

Q. Where is an order alleged to be mala fide or coram non judice in a service matter challenged?

A. It "could only be challenged before the Service Tribunal."

94. 2015 PLC(CS) 215 — Engineer Musharaf Shah v. Government of Khyber Pakhtunkhwa ✓

Mother judgment

Before: Yahya Afridi and Ikramullah Khan, JJ; Writ Petition No. 2440-P of 2012, decided 4 September 2014 (heard)

Q. Is there a right to promotion?

A. "Civil servant had no 'right to promotion' to a higher post, whereas, a 'right to be considered for promotion' would accrue in favour of the civil servant on his fulfilling the requisite prescribed qualification."

95. 2015 PLC(CS) 159 — Abdul Khanan v. Government of Khyber Pakhtunkhwa

Before: Assad Ullah Khan Chamkani and Muhammad Daud Khan, JJ; Writ Petition No. 321-B of 2013, decided 21 May 2014

Q. Is out-of-turn promotion lawful?

A. "Out of turn promotion was against the Constitution and injunctions of Islam"; promotion to encourage performance "should not negatively affect the rights of other similarly placed officials."

96. 2014 PLC(CS) 1134 — Nawabzada Muhammad Nadir Khan Hoti v. Central Selection Board

Before: Mian Fasih-ul-Mulk and Shah Jehan Khan Akhundzada, JJ; Writ Petition No. 3138 of 2011, decided 19 December 2012

Q. Can the High Court hear a challenge to fitness for promotion?

A. Yes; "assessment of fitness and suitability were excluded from the ambit of the Service Tribunal", so the High Court could entertain it. Petition allowed.

97. 2014 PLC(CS) 982 — Liaqat Ali v. Government of N.-W.F.P.

Before: Rooh-ul-Amin Khan and Muhammad Daud Khan, JJ; Writ Petition No. 2271 of 2009, decided 21 January 2014

Q. Can an officer lacking the prescribed length of service be promoted?

A. No; he "lacked pre-requisite for ascending to the higher post" and "was disqualified for promotion."

98. 2013 PLC(CS) 1413 — Provincial Police Officer (I.G.P.), Peshawar v. Farid Ullah Khan

Before: Lal Jan Khan Khattak, J; Civil Revision No. 79-D of 2013, decided 10 June 2013

Q. Can a civil court decide rights of promotion of civil servants?

A. No; these are matters of terms and conditions of service "falling within the jurisdiction of Service Tribunal"; the civil court's decree was set aside.

99. 2010 PLC(CS) 679 — Dr. Syed Mushtaq Ahmed Gilani v. Chief Executive, Ayub Medical Institution

Before: Miftah-ud-Din Khan and Mian Fasih-ul-Mulk, JJ; W.P. No. 61 of 2006, decided 11 March 2010

Q. What follows where promotion notifications were issued condemning the officer unheard?

A. They "were declared to be wrong, illegal and without lawful authority"; his promotion to Professor (BPS-20) was to be considered "in accordance with law and rules."

100. 2010 PLC(CS) 1218 — Mst. Najia Tehseen v. Government of N.-W.F.P.

Before: Ejaz Afzal Khan, C.J. and Mazhar Alam Khan Miankhel, J; Writ Petition No. 392 of 2008, decided 23 February 2010

Q. Is non-consideration of a qualified officer for promotion lawful?

A. No; the petitioner "being otherwise qualified for promotion, his non-consideration for promotion was illegal, violative of the Constitution and discriminatory."