

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

**Present:**

Mr. Justice Munib Akhtar  
Mr. Justice Irfan Saadat Khan

**Civil Petition No.3363-L of 2023**

Against the Order dated 23.10.2023 passed  
by Federal Service Tribunal, Lahore in M.P.  
No.327 of 2022 in Appeal No.476(L)/2016

Mrs. Sabiha Hamid

...Petitioner(s)

**VERSUS**

Secretary Establishment Division Government of ...Respondent(s)  
Pakistan, Islamabad & others

For the Petitioner(s): In person

For the Respondent(s): Mr. Munawar Iqbal Duggal, Addl.  
Attorney General for Pakistan a/w  
M. Sultan, S.O Estb. and Ali Hussain,  
Supdt., PPO

Date of Hearing: 09.12.2025

**O R D E R**

**Irfan Saadat Khan, J.-** The instant petition has been filed assailing the order passed by the Federal Service Tribunal, Lahore ('FST'), in M.P. No. 327 of 2022 in Appeal No. 476(L) of 2016, dated 23.10.2023.

2. Briefly stated, the facts of the case are that the petitioner was a CSS officer who had worked at the National School of Public Policy, Lahore as its Additional Director. During her service, she was recommended for supersession and not promoted to BS-20; she later attained superannuation on 15.04.2015. After her supersession the petitioner pursued the matter departmentally. Eventually, her representation seeking pro-forma promotion moved on 22.06.2015, was declined *vide* order dated 30.05.2016. Aggrieved, she appealed before the FST in Appeal No. 476(L)/2016. The FST, *vide* order dated 16.11.2020, accepted her appeal and set aside the order dated 30.05.2016, directing the respondent-

department to reconsider her case for promotion to BS-20, in accordance with the applicable rules.

3. In pursuance of the FST judgment, her case was placed before the Central Selection Board ('**CSB**') in its meeting held from 01.08.2023 to 04.08.2023, but the CSB did not consider her fit for promotion on the ground that she had failed to obtain the requisite threshold of 70% marks. Claiming non-compliance with the directions to reconsider her case for promotion contained in the FST judgment dated 16.11.2020, she filed M.P. No. 327 of 2022 for the implementation of the said judgment. This time, however, the FST, *vide* order dated 23.10.2023 (now impugned), observed that its earlier judgment had already been implemented by the respondents in considering the petitioner's case for promotion to BS-20, and accordingly disposed of the petitioner's M.P. Aggrieved, the petitioner has filed the present petition.

4. The petitioner has appeared in person and stated that she was a CSS officer with an unblemished service record and that she has been given a number of awards, honoraria and commendatory letters from her seniors in the department in recognition of her performance. However, she was superseded in the years 2013 and 2014 when she was not considered eligible for promotion, which, according to her, was illegal and uncalled for, as prior to the supersession order she was not granted any opportunity of hearing. She filed a representation for proforma promotion, as mentioned *supra*, and when her representation was dismissed *vide* order dated 30.05.2016, she filed an appeal before the FST, which set aside the impugned order of even date. The petitioner explained that the respondents, instead of reconsidering her for promotion on the basis of her performance, acted *mala fide* and simply endorsed the earlier recommendations of the CSB held in 2013 and 2014 which was based on some ill-founded grounds totally ignoring her past performance. She stated that the CSB, while awarding her a paltry score of 63.30%, did not deem it appropriate to serve upon her any

prior notice or provide her an opportunity of hearing before drawing adverse inference of not promoting her on the basis that she has obtained only 63.30% marks, whereas the minimum required marks necessary for promotion were 70%. She stated that the FST, while passing the impugned order, had also not considered the fact that it had itself, *vide* order dated 16.11.2020, categorically observed that:

*"appellant prima facie is eligible for promotion, hence the instant appeal is accepted."*

According to her, the FST fell into error while passing the impugned order as it ought to have considered its own findings recorded earlier with regard to her eligibility for promotion. She further stated that when the FST, which is a quasi-judicial authority and the last fact-finding forum, itself previously considered her to be *prima facie* eligible for promotion, its subsequent order (impugned before us) is a nullity in the eyes of the law. She stated that not only was the action of the CSB illegal and uncalled for, but the order of the FST is also erroneous as it has miserably failed to consider its own previous order while passing the impugned judgment. She, therefore, finally prayed that the judgment of the FST may be set aside and necessary orders for her promotion may accordingly be passed.

5. Mr. Munawar Iqbal Duggal, learned Addl. Attorney General for Pakistan, along with M. Sultan, S.O (Establishment), and Ali Hussain, Supdt., PPO, have appeared and vehemently opposed the instant petition. They stated that no clear directions were given by the FST, *vide* order dated 16.11.2020, regarding her promotion, and, according to them, the matter was left open to the CSB to reconsider the case of the petitioner for promotion to BS-20, in accordance with the rules. They stated that the CSB, then, *vide* its meeting held from 01.08.2023 to 04.08.2023, categorically observed that since she could not meet the required threshold, hence she was not eligible for promotion. They further stated that

promotion is not a vested right and in the instant matter the petitioner has failed to meet the minimum threshold required for promotion to BS-20, i.e., 70% marks; hence, she was rightly not considered for promotion, as, according to them, she obtained only 63.30% marks, which were not sufficient for her promotion. They, therefore, prayed that the instant petition is devoid of any merit and the same is liable to be dismissed.

6. We have heard the petitioner in person, as well as the learned Additional Attorney General for Pakistan along with the representative of the department and have also perused the record with their able assistance.

7. There is no denial to the fact that, *vide* order dated 16.11.2020, the FST Bench categorically observed that the petitioner is *prima facie* eligible for promotion, and accordingly it accepted the appeal of the petitioner. It would not be out of place to mention that the department challenged the said order before this Court, in CP No. 244 of 2021, and this Court, *vide* order dated 09.08.2023, disposed of the same as having become infructuous, on the ground that a statement was given by the learned Addl. AG before the Court that the directions rendered in the impugned judgment (judgment dated 16.11.2020) had been implemented, as the name of the petitioner Sabiha Hamid was placed before the CSB in its meeting held from 1st to 4th August, 2023. It may be noted that the petitioner (who was respondent no. 1 in that case) was heard by this Court via video-link from Lahore, and she endorsed the said statement of the learned Addl. AG and raised no objection for the disposal of the matter on the basis of the said statement given by the Addl. AG in the Court, and thereafter, the matter was disposed of by this Court *vide* order dated 09.08.2023.

8. Importantly then, the earlier order of the FST, declaring the petitioner *prima facie* eligible and directing reconsideration of her case for promotion according to the rules, was not disturbed in the last round of litigation before

this Court and has attained finality. This pronouncement of *prima facie* eligibility cannot be taken lightly, and the petitioner has thus acquired a right to be considered for promotion in a serious and meaningful manner, requiring substantial, cogent, and unequivocal grounds to displace such a finding.

9. However, surprisingly, the CSB, while “reconsidering” her case *vide* its meeting dated 04.08.2023, proceeded on the basis of the earlier recommendations of the CSB held in 2014, which have already been termed as not in accordance with law by the FST, since, while awarding lesser marks to the petitioner, her service record was not considered meaningfully and she was neither given any opportunity of hearing nor was informed the basis of awarding 63.30% marks, which were then considered to be lower than the minimum threshold (70%) required for promotion to BS-20, and her claim for promotion was rejected. No fresh consideration was given as directed by, and in light of the observations of the FST. During the course of the arguments in this case, we categorically asked the learned Addl. AG whether prior to awarding lesser marks to the petitioner any opportunity of hearing was given to the petitioner, to which he candidly replied that there is no such record available with him so as to show that, before giving her lesser marks, she was ever informed about those marks.

10. In our view, since the petitioner was not heard before being awarded lesser marks and was not provided any opportunity of hearing by the CSB, it would be in the fitness of things if we remand this matter to the department which must seriously and substantively reconsider her case for promotion. Before drawing any adverse finding against her, the CSB is required to provide an opportunity of hearing to her in accordance with the rules and the law. We also expect the petitioner to cooperate with the department in this regard. It is expected that the meeting will be held within two months of the passing of this order and that

an appropriate order, after providing an opportunity to the petitioner, will be passed within the said two months, in accordance with the rules and the law.

11. With these observations, the instant petition is converted into an appeal and is hereby allowed. The matter is remanded to the department in the above terms.

ISLAMABAD  
09.12.2025  
arshed

"Not Approved for Reporting"