JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

WRIT PETITION NO. 421 OF 2025

MST. RUKHSANA KOUSAR

Versus

GOVERNMENT OF PAKISTAN, THROUGH CHAIRMAN UP-GRADATION COMMITTEE, ETC.

Petitioner by	:	G. Shabbir Akbar, Advocate for the Petitioner.
Respondents by	:	Raja Zamir Uddin Ahmed, AAG. Arshad Riaz, Superintendent Pakistan Post. M. Tariq Afzal, Admin Officer, Pakistan Post Office.
Date of Hearing	:	09.09.2025

MUHAMMAD AZAM KHAN, J.

1. Before this Court is a petition filed by the Petitioner, seeking a writ directing the Respondents to upgrade her post from Grade BPS-12 to BPS-17, retroactive to July 1, 2007, together with all attendant financial and service-related benefits. The Petitioner contends that despite her enhanced educational qualifications and long tenure, she has been denied the benefit of upgradation, while other similarly situated employees have received such relief. The Petitioner alleges that this denial constitutes impermissible discrimination, in violation of constitutional principles of equality.

2. The Petitioner was appointed in 1987 as a Library Assistant, at which time she held a bachelor's degree in Library Sciences. In 1995, she obtained an additional bachelor's degree in Library and Information Sciences, and in 2009, she earned a master's degree in the same discipline. In 2024, the Petitioner's request for upgradation was placed before the Committee on Upgradation and Re-designation of Posts. By an order dated 02.10.2024, the Committee rejected her claim, stating that her post had already benefited from a time-scale upgradation and that her request did not fall within the parameters of the applicable policy.

3. The learned counsel for the Petitioner argues that the Petitioner has been treated unequally, pointing to instances of other employees in comparable positions who allegedly received upgradation or promotion.

4. The record reveals that the Petitioner previously litigated the same grievance advanced in the instant petition. An earlier petition filed by the Petitioner was disposed of on 25.04.2024 with the following observations:-

> *"3. Given that there is a policy of the Federal government for purpose of up-gradation, which provides the criteria for up-gradation and under which a committee has been established, the TORs of which provide that all requests for seeking up-gradation and re-designation will be sent to the said committee. Therefore, let a copy of the petition along with the annexures as well as the responses be sent to the upgradation committee constituted pursuant to office memorandum dated 29.06.2022. the upgradation committee will consider the case of the petitioner and decide the same in accordance with law through a speaking of order with in a period of sixty days."*

5. In pursuance of these directions, the Establishment Division considered the Petitioner's case and, vide the Impugned Order, rejected her grievance.

6. At this juncture, it is observed that the question of upgradation of posts for civil servants is one that can be examined by this Court in the exercise of its constitutional jurisdiction. However, while exercising such jurisdiction, certain settled principles of law must necessarily be kept in view:-

i. The foremost consideration is whether upgradation constitutes a vested right of a civil servant, enforceable through judicial intervention, or whether it remains a concession extended by the Government depending upon exigencies of service and availability of resources.

ii. The second question is whether upgradation can be granted in favor of an individual on a person-specific basis, or whether the policy of upgradation must apply uniformly to a class or cadre of employees to avoid arbitrariness and favoritism.

iii. The third aspect relates to the domain of policymaking itself.

7. Upgradation of posts, being a matter intrinsically linked to administrative structure, financial implications, and service requirements, ordinarily falls within the exclusive competence of the Government. The role of the Court, therefore, is not to substitute its wisdom for that of the executive, but only to examine whether

such policy decisions are tainted with *mala fides*, arbitrariness, or discriminatory treatment in violation of constitutional guarantees.

8. It is a settled principle of service law that promotion or upgradation is not a vested right of any civil servant. Rather, it is a policy tool exercised by the Government to address service exigencies, restructure institutions, or alleviate stagnation in posts lacking promotional avenues. Courts have consistently drawn a distinction between "promotion," which is a merit and seniority-based advancement, and "upgradation," which is a policy-driven adjustment of posts for broad, systemic reasons.

9. As the Supreme Court observed in *Muhammad Amjad v. Director General, Quetta Development Authority and others* **(2022 SCMR 797)**, upgradation is not to be conflated with promotion. It is a mechanism employed to address structural imbalances and cannot be claimed as an individual entitlement. The august Supreme Court held that:-

> *"Upgradation of post --- Scope --- Expression upgradation is a desperate and incongruent to the term promotion which is restored to in order to ventilate the suffering of employees from the stagnation who are stuck up in some isolated post without any pathway or probability of promotion despite satisfactory length of service in a particular post --- upgradation cannot be claimed as a matter of right but it is in fact based on a policy decision of the competent authority for its implementation across the board for the particular categories of employees jotted down in the scheme/notification who fulfil the required qualification which is normally a particular length of service in a particular pay scale."*

10. The Petitioner has argued that her advanced qualifications and long service warrant upgradation. While these credentials are commendable, they do not in themselves justify a judicial directive for post-reclassification. The authority to restructure posts lies squarely with the executive branch, and Courts are reluctant to intrude upon such policy matters absent a showing of clear illegality, arbitrariness, or unconstitutional discrimination.

11. In the present case, the record shows that the Petitioner has already benefited from a time-scale upgradation policy, which was designed to address the precise concern of stagnation. Granting her further individualized relief would amount to an enrichment beyond the policy's intent, creating preferential treatment rather than correcting an inequality.

12. The Petitioner's reliance on alleged comparators is likewise does not suffice. Constitutional equal protection is implicated only where similarly situated individuals are treated differently without any rational basis. The Committee's determination that her post had already been benefited and was thus ineligible for further upgradation, constitutes a rational and policy-based justification for the decision.

13. In light of the foregoing, the Court concludes that the Petitioner has not demonstrated any vested right to further upgradation, nor has she established that the denial of her request was arbitrary or discriminatory in the constitutional sense. Accordingly, the petition is **dismissed**.

(MUHAMMAD AZAM KHAN)
JUDGE

Announced in the open court on _____.

JUDGE

Approved for Reporting
Blue Slip added.

//*Sajid*//