JUDGMENT SHEET
ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

1. WRIT PETITION NO. 2409 OF 2025

DR MUTAHIR SHAH
VERSUS
FEDERATION OF PAKISTAN, THROUGH SECRETARY ESTABLISHMENT DIVISION, AND OTHERS

2. WRIT PETITION NO. 3171 OF 2025

IQBAL AHMAD SHEIKH
VERSUS
FEDERATION OF PAKISTAN THROUGH ITS SECRETARY ESTABLISHMENT DIVISION AND OTHERS

3. WRIT PETITION NO. 3172 OF 2025

SHAKEEL AHMED SHAKEEL
VERSUS
FEDERATION OF PAKISTAN, THROUGH THE SECRETARY ESTABLISHMENT DIVISION AND OTHERS

4. WRIT PETITION NO. 3173 OF 2025

MIRZA NASIR ALI
VERSUS
FEDERATION OF PAKISTAN, THROUGH THE SECRETARY ESTABLISHMENT DIVISION AND OTHERS

5. WRIT PETITION NO. 3260 OF 2025

MUHAMMAD MUTI UR REHMAN MUMTAZ
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

6. WRIT PETITION NO. 3261 OF 2025

WILAYAT KHAN
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

7. WRIT PETITION NO. 3262 OF 2025

SYED ALI ADNAN ZAIDI
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

8. WRIT PETITION NO. 3263 OF 2025

MUHAMMAD ZAHID
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

9. WRIT PETITION NO. 3264 OF 2025

MUMTAZ ALI BOHIO
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

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10. WRIT PETITION NO. 3265 OF 2025

MUHAMMAD AMIN QURESHI
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

11. WRIT PETITION NO. 3266 OF 2025

ATTIQUE-UR-REHMAN MUGHAL
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

12. WRIT PETITION NO. 3267 OF 2025

MUHAMMAD ASLAM JAMRO
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

13. WRIT PETITION NO. 3643 OF 2025

DR. MUHAMMAD AKHTAR ABBAS
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND ANOTHER

14. WRIT PETITION NO. 3644 OF 2025

NISAR AHMED KHAN
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND ANOTHER

15. WRIT PETITION NO. 4587 OF 2025

BILAL AHMED BUTT
VERSUS
FEDERATION OF PAKISTAN THROUGH THE SECRETARY ESTABLISHMENT DIVISION AND ANOTHER

16. WRIT PETITION NO. 4999 OF 2025

DR SAJID HUSSAIN ARIAN
VERSUS
FEDERATION OF PAKISTAN THROUGH THE SECRETARY ESTABLISHMENT DIVISION AND OTHERS

17. WRIT PETITION NO. 5543 OF 2025

ARBAB QAISER HAMID
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

18. WRIT PETITION NO. 5544 OF 2025

DR. NASIR KHAN
VERSUS
ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

DATES OF HEARING: 12.02.2026, 24.02.2026 & 25.02.2026

19. WRIT PETITION NO. 1221 OF 2025

ISRAR AHMED KHAN AND OTHERS

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VERSUS
FEDERATION OF PAKISTAN, ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

20. WRIT PETITION NO. 4563 OF 2025
MUJAHID AKBAR KHAN AND OTHERS
VERSUS
FEDERATION OF PAKISTAN, ESTABLISHMENT DIVISION THROUGH ITS SECRETARY AND OTHERS

21. WRIT PETITION NO. 1286 OF 2025
AGHA MUHAMMAD YOUSAF
VERSUS
GOVERNMENT OF PAKISTAN AND OTHERS

DATE OF HEARING: 06.04.2026

Petitioners by:	M/s Abdul Rahim Bhatti, Khawaja Adnan Zahir, Yasir Rahim Bhatti and Qaiser Rahim Bhatti, Advocates in writ petitions No. 3171 to 3713 of 2025 and 4999/2025. M/s Barrister M. Saad Buttar, Muiz Gul, Tahir Hussain Anchan, Barrister Danyal Sohail and Muhammad Fayaz, Advocates in writ petitions No. 3260 to 3267 of 2025, 2409/2025, 3643/2025, 3644/2025, 5543/2025 and 5544/2025. M/s Muhammad Masood Chishti and Saqib Haroon, Advocates in writ petition No. 4587/2025. Khurram M. Qureshi, Advocate in writ petitions No. 1221 and 4563 of 2025. M/s Kamran Murtaza and Hassan Kamran, Advocates in writ petition No. 1286/2025.
Respondent No. 1 (Establishment Division) by:	Mr. Rashid Hafeez Additional Attorney General, Mr. Mian M. Faisal Irfan, DAG and Mr. Fahad Khan Tareen, AAG along with Raja Saim-ul-Haq Satti, Legal Advisor, Syed Zeeshan Raza Zaidi S.O., Amir M. Afridi S.O., Shoukat Ali Khan S.O., Dr. Abdul Qayyum, S.O., Establishment Division, and Muzamil Shah, A.D. (Legal) M/O NHS.
Respondent No. 2 (FBR) by:	M/s Zainab Janjua and Ahmed Zeeshan, Advocates in writ petitions No. 3171 to 3713 of 2025, 3260 to 3267 of 2025, 5543/2025, 5544/2025 and 4999/2025.
ASSISTED BY:	Muhammad Yahya Khan Niazi, Advocate.

INAAM AMEEN MINHAS, J.- This common judgment shall decide the afore-titled writ petitions, as they involve similar questions of law and facts.

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2. In all the petitions, the petitioners seek, *inter alia*, a declaration that their non-promotion be set aside and that the impugned letters, whereby their supersession and deferment were communicated, be declared illegal and without lawful authority. The petitioners in Writ Petitions No. 4563, 1221, and 1286 of 2025 have, in addition, sought a declaration that the proceedings of the Central Selection Board ***("CSB")*** meeting held on 11th-14th March, 2025 be declared *coram non judice* and, thus, of no legal effect.

3. Since the facts of these petitions are common, in that they arise from the same set of proceedings, this Court deems it appropriate to provide a brief account of the factual matrix by bifurcating the same in categories A and B along with the reasoning.

A. FACTUAL BACKGROUND

4. The petitioners in the petitions listed below at serial numbers 1-6 in Category A are civil servants belonging to the Police Service of Pakistan and the petitioner listed at serial number 7 belongs to the Pakistan Administrative Service. At the time of the CSB's meeting they were serving in BS-20 and were eligible to be considered for promotion to BS-21. The Board, after deliberation in each case did not recommend promotion for the petitioners. The reasons of the Impugned Decisions are reproduced herein below:-

CATEGORY A		
SR. NO.	**TITLE OF PETITION & POSTING AT THE TIME OF IMPUGNED DECISION**	**REASONS FOR IMPUGNED DECISION**
1	**W.P. No. 3643 of 2025** Dr. Muhammad Akhtar Abbas vs. Establishment Division through its Secretary and Another. Posting: PSP/BS-20, Lahore.	The Board noted that the officer carried a mixed reputation regarding his integrity and professional competence. The Board deliberated in detail about the officer's performance considering input/feedback from the departmental representatives on his financial integrity and professional competence, members of the Board and additional information presented before the board. The departmental representative expressed reservations about his integrity, behavioral issues and professional competence. It was determined that while the officer's record as reflected in his PERs is adequate, he is generally viewed as an officer of average competence. The Board considered that he is reputed to be an officer of average competence and questionable integrity which is not in sync with his quantified performance. The Board expressed reservation that officers of such average competence and questionable integrity if promoted would not be able to serve the public interest effectively…the

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CATEGORY A		
SR. NO.	**TITLE OF PETITION & POSTING AT THE TIME OF IMPUGNED DECISION**	**REASONS FOR IMPUGNED DECISION**
		Board arrived at the conclusion that Dr. Muhammad Akhtar Abbas is an officer with repute of average competence and peccable integrity and is not fit to discharge responsibilities that he will have to shoulder if promoted.
2	**W.P. No. 3644 of 2025** Nisar Ahmed Khan v. Establishment Division through its Secretary and Another. Posting: PSP/BS-20, Director General, Coordination Unit for Implementation of Initiatives in Khyber Pakhtunkhwa, Peshawar.	The Board noted that the officer carried a mixed reputation regarding his integrity and professional competence. The Board further noted that the officer has earned "Good" PER for the period 01.01.2024 to 18.05.2024 where in the Countersigning Officer has remarked that the Reporting Officer is very generous in his views. Officer only wanted to stay on filed assignments and lacked professionalism. The Board deliberated in detail about the officer's performance considering input/feedback from the departmental representatives on his financial integrity and professional competence, members of the Board and additional information presented before the board. It was also shared that the officer had entered in a Voluntary Return (VR) that raises concerns about his integrity and has a tainted reputation. It was determined that while the officer's record as reflected in his PERs is adequate, he is generally viewed as an officer of average competence. The Board considered that he is reputed to be an officer of average competence and questionable financial integrity which is not in sync with his quantified performance. The Board expressed reservation that officers of such average competence and questionable integrity if promoted would not be able to serve the public interest effectively…..After detailed deliberations covering all the aspect of the officer's performance the Board arrived at the conclusion that Mr. Nisar Ahmad Khan is an officer with repute of average competence and peccable integrity and is not fit to discharge responsibilities that he will have to shoulder if promoted.
3	**W.P. No. 4563 of 2025** Mujahid Akbar Khan v. Federation of Pakistan Establishment Division through its Secretary and Another. Posting: PSP/BS-20, Additional Director General, FIA, Karachi.	The Board noted that the officer carried a mixed reputation regarding his integrity and professional competence. Moreover, his promotion potential in the training report of NMC was described as "Good" against the better available options of "Very Good" and "Outstanding". The Board deliberated in detail about the officer's performance considering input/feedback from the departmental representatives on his financial integrity and professional competence, members of the Board and additional information presented before the board. The departmental representative shared that he is professionally weak, along with concerns regarding his behavior and financial integrity. The additional information placed before the board had potential negative/serious ramifications reflecting adversely on the conduct of the officer. It was determined that while the officer's record as reflected in his PERs is adequate, he is generally viewed as an officer of average competence.

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CATEGORY A		
SR. NO.	**TITLE OF PETITION & POSTING AT THE TIME OF IMPUGNED DECISION**	**REASONS FOR IMPUGNED DECISION**
		The Board considered that he is reputed to be an officer of average competence and questionable integrity which is not in sync with his quantified performance. The Board expressed reservation that officers of such average competence and questionable integrity if promoted would not be able to serve the public interest effectively… After detailed deliberations covering all the aspect of the officer's performance the Board arrived at the conclusion that Mr. Mujahid Akbar Khan is an officer with repute of average competence and peccable integrity and is not fit to discharge responsibilities that he will have to shoulder if promoted.
4	**W.P. No. 4563 of 2025** Sheikh Yaseen Farooq v. Federation of Pakistan, Establishment Division through its Secretary and others. Posting: PSP/BS-20	The Board noted that the officer carried a mixed reputation regarding his integrity and professional competence. The Board deliberated in detail about the officer's performance considering input/feedback from the departmental representatives on his financial integrity and professional competence, members of the Board and additional information presented before the board. It was determined that while the officer's record as reflected in his PERs is adequate, he is generally reputed to be an officer of average competence and questionable integrity which is not in sync with his quantified performance. The Board expressed reservation that officers of such average competence and questionable integrity if promoted would not be able to serve the public interest effectively…After detailed deliberations covering all the aspect of the officer's performance the Board arrived at the conclusion that Mr. Yaseen Farooq Sheikh is an officer with repute of average competence and peccable integrity and is not fit to discharge responsibilities that he will have to shoulder if promoted.
5	**W.P. No. 4563 of 2025** Israr Ahmed Khan v. Federation of Pakistan, Establishment Division through its Secretary and others. Posting: PSP/BS-20, Director, Anti Narcotics Force (ANF), Islamabad.	The Board noted that the officer carried a mixed reputation regarding his integrity and professional competence. Moreover, his promotion potential in the training report of NMC was described as "Good" against the better available options of "Very Good" and "Outstanding". The Board deliberated in detail about the officer's performance considering input/feedback from the departmental representatives on his financial integrity and professional competence, members of the Board and additional information presented before the board. It was determined that while the officer's record as reflected in his PERs is adequate, he is generally viewed as an officer of average competence. The Board considered that he is reputed to be an officer of average competence and questionable integrity which is not in sync with his quantified performance. The Board expressed reservation that officers of such average competence and questionable integrity if promoted would not be able to serve the public interest effectively…After detailed deliberations covering all the aspect of the officer's performance the Board arrived at the conclusion that Mr.

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CATEGORY A		
SR. NO.	**TITLE OF PETITION & POSTING AT THE TIME OF IMPUGNED DECISION**	**REASONS FOR IMPUGNED DECISION**
		Israr Ahmed Khan is an officer with repute of average competence and peccable integrity and is not fit to discharge responsibilities that he will have to shoulder if promoted.
6	**W.P. No. 1286 of 2025** Agha Muhammad Yousaf v. Government of Pakistan and others.	Moreover, his promotion potential in the training report of NMC was described as "Good" against the better available options of "Very Good". The board deliberated in detail about the officer's performance considering input / feedback from the departmental representative on his financial integrity and professional competence, members of the Board and additional information presented before the Board. It was determined that while the officer's record as reflected in his PERs is adequate, he is generally viewed as an officer of average competence and controversial financial integrity. The Board considered that he is reputed as an officer of average competence and questionable integrity which is not in sync with his quantified performance… After detailed deliberations covering all the aspects of the officer's performance the Board arrived at the conclusion that Agha Muhammad Yousaf is an officer with repute of an average competence and peccable integrity and is not fit to discharge responsibilities that he will have to shoulder if promoted.
7	**W.P. No. 4587 of 2025** Secretary Bilal Ahmed Butt v. Establishment Division through its Secretary and Another. Posting: PAS/BS-20, Lahore.	The Board noted that the officer's promotion potential in the TER of his MC was assessed as "Very Good" against the better available option of Outstanding. The board deliberated in detail about the officer's performance considering input from the departmental representative, members of the board and additional information available. The departmental representative casted doubts on his integrity. The officer failed to join mandatory training thrice which depicts his casual attitude towards professional development. It was informed that he has a chequered history over the course of his career including involvement in controversies and has a general repute of doubtful financial integrity. It was noted that, while the officer's service record as reflected in his PERs is adequate, concerns were raised regarding his integrity which has been questioned and found to be inconsistent with his assessed performance. The board expressed reservations that the promotion of an officer with a reputation of questionable financial integrity may hinder the effective discharge of duties and would not serve public interest in a befitting manner….the Board arrived at the conclusion that Mr. Bilal Ahmed Butt is an officer with repute of average competence and peccable integrity and is not fit to discharge responsibilities that he will have to shoulder if promoted.

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5. The petitioners, whose names are reflected in Category B, are civil servants belonging to the Inland Revenue Service. They were considered for

promotion to BS-20 and upon deliberation in each individual case, the Board recommended their supersession and deferment. The reasons forming the basis of such recommendations were not communicated immediately. Instead, the petitioners in the petitions listed at serial Nos. 1 to 12 in Category B were apprised of the reasons on 03.09.2025, whereas those at serial Nos. 13 and 14 received such communication on 01.12.2025.

CATEGORY B		
SR. NO.	**TITLE OF PETITION & POSTING AT THE TIME OF IMPUGNED DECISION**	**REASONS FOR IMPUGNED DECISION**
1	**W.P. No. 3171 of 2025** Iqbal Ahmad Sheikh vs. Federation of Pakistan through Secretary Establishment Division and others. Posting: IRS/BS-19, Commissioner (OPS), (Appeals-III), Karachi.	The Board noted that the officer carried a mixed reputation regarding his integrity and professional competence. The Board arrived at a consensus that the officer is reputed to be an officer of average competence and questionable integrity. The Board expressed reservations that officers of such average competence and questionable integrity, if promoted, would not be able to serve the public interest in a befitting manner… the Board reached at the conclusion that Mr. Iqbal Ahmad Shaikh is not fit to discharge responsibilities that he will have to shoulder if promoted.
2	**W.P. No. 3172 of 2025** Shakeel Ahmed Shakeel v. Federation of Pakistan Secretary Establishment Division and Others. Posting: IRS/BS-19, Director (OPS), Directorate of Internal Audit (Inland Revenue), Islamabad.	The Board observed that the officer has a low score on his quantified performance which is in sync with his general reputation as an officer of average competence. The Board arrived at a consensus that the officer is reputed to be an officer of average competence and questionable integrity. The Board expressed reservations that officers of such average competence and questionable integrity, if promoted, would not be able to serve the public interest in a befitting manner… the Board reached at the conclusion that Mr. Shakeel Ahmad Shakeel is not fit to discharge responsibilities that he will have to shoulder if promoted.
3	**W.P. No. 3173 of 2025** Mirza Nasir Ali v. Federation of Pakistan through Secretary Establishment Division and Others. Posting: IRS/BS-19, Director (OPS), Directorate of Law, Karachi.	The Board observed that the officer has acceptable score on his quantified performance which is in sync with his general reputation as an officer of average competence. The Board arrived at a consensus that the officer is reputed to be an officer of average competence and questionable integrity. The Board expressed reservations that officers of such average competence and questionable integrity, if promoted, would not be able to serve the public interest in a befitting manner…the Board arrived at the conclusion that Mirza Nasir Ali is not fit to discharge responsibilities that he will have to shoulder if promoted.
4	**W.P. No. 3260 of 2025** Muhammad Muti ur Rehman Mumtaz v. Establishment	A consensus emerged that the officer has mixed reputation vis-a-vis his financial integrity; thus, there is a need to further watch the performance of

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CATEGORY B		
SR. NO.	**TITLE OF PETITION & POSTING AT THE TIME OF IMPUGNED DECISION**	**REASONS FOR IMPUGNED DECISION**
	Division through its Secretary and others. Posting: IRS/BS-19, Secretary, Federal Board of Revenue (Hq), Islamabad.	the officer before he can be considered for promotion to higher grade. The Board, therefore, decided to recommend the officer for deferment on performance watch till the next CSB in line with Rule 7(d) of the Civil Servants Promotion (BS-18 to BS-21) Rules, 2019.
5	**W.P. No. 3261 of 2025** Wilayat Khan v. Establishment Division through its Secretary and Another. Posting: IRS/BS-19, Commissioner (OPS), Regional Tax Office, Rawalpindi.	The Board further noted that he has been assessed "Good" against the better available option of "Very Good" and "Excellent" in TERs of MCMC. The Board observed that the officer has a low sore on his quantified performance which is in sync with his general reputation as an officer of average competence. The Board arrived at a consensus that the officer is reputed to be an officer of average competence and questionable integrity. The Board expressed reservations that officers of such average competence and questionable integrity, if promoted would not be able to serve the public interest in a befitting manner….the Board reached at the conclusion that Mr. Wilayat Khan is not fit to discharge responsibilities that he will have to shoulder if promoted.
6	**W.P. No. 3262 of 2025** Syed Ali Adnan Zaidi v. Establishment Division through its Secretary and others. Posting: IRS/BS-19, Chief (OPS) (Sales Tax-Operations), FBR (Hq), Islamabad.	The Board observed that the officer has acceptable score on his quantified performance which is not in sync with his general reputation as an officer of average competence. The Board arrived at a consensus that the officer is reputed to be an officer of average competence and questionable integrity. The Board expressed reservations that officers of such average competence and questionable integrity, if promoted, would not be able to serve the public interest in a befitting manner…. the Board reached at the conclusion that Mr. Ali Adnan Zaidi is not fit to discharge responsibilities that he will have to shoulder if promoted.
7	**W.P. No. 3263 of 2025** Muhammad Zahid v. Establishment Division through its Secretary and others. Posting: IRS/BS-19, Commissioner (OPS), (Appeals-II), Islamabad.	A consensus emerged that the officer has mixed reputation vis-a-vis his financial integrity; thus, there is a need to further watch the performance of the officer before he can be considered for promotion to higher grade. The Board, therefore, decided to recommend the officer for deferment on performance watch till the next CSB in line with Rule 7(d) of the Civil Servants Promotion (BS-18 to BS-21) Rules, 2019.
8	**W.P. No. 3264 of 2025** Mumtaz Ali Bohio v. Establishment Division through its Secretary and others.	The Board further noted that he has been assessed "Good" against the better available option of "Very Good" and "Excellent" in TER of MCMC. The Board observed that the officer has a low score on his quantified performance which is in sync with his general reputation as an officer of average competence. The Board arrived at a consensus that the officer is reputed to be an officer of average

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CATEGORY B		
SR. NO.	**TITLE OF PETITION & POSTING AT THE TIME OF IMPUGNED DECISION**	**REASONS FOR IMPUGNED DECISION**
	Posting: IRS/BS-19, Commissioner (OPS), Benami Zone-III, Karachi.	competence and questionable integrity. The Board expressed reservations that officers of such average competence and questionable integrity, if promoted, would not be able to serve the public interest in a befitting manner….Board reached at the conclusion that Mr. Mumtaz Ali. Bohio is not fit to discharge responsibilities that he will have to shoulder if promoted.
9	**W.P. No. 3265 of 2025** Muhammad Amin Qureshi v. Establishment Division through its Secretary and others. Posting: IRS/BS-19, Secretary (IR-Policy), FBR (Hq), Islamabad.	The Board further noted that he has been assessed "Good" against the better available option of "Very Good" and "Excellent" in TER of MCMC. The Board observed that the officer has acceptable score on his quantified performance which is not in sync with his general reputation being an officer of average competence. The Board arrived at a consensus that the officer carries the reputation of having average competence and questionable integrity. The Board expressed reservations that officers of such average competence and questionable integrity, if promoted, would not be able to serve the public interest in a befitting manner…., the Board reached at the conclusion that Mr. Muhammad Amin Qureshi is not fit to discharge responsibilities that he will have to shoulder if promoted.
10	**W.P. No. 3266 of 2025** Attiq ur Rehman Mughal v. Establishment Division through its Secretary and others. Posting: IRS/BS-19, Chief (OPS) (Accounting), FBR (Hq), Islamabad.	The Board noted that the officer carried a mixed reputation regarding his integrity. The Board arrived at a consensus that the officer is reputed to be an officer of questionable integrity. The Board expressed reservations that officers of such average competence and questionable integrity, if promoted, would not be able to serve the public interest in a befitting manner…the board reached at the conclusion that Mr. Attiq ur Rehman Mughal is not fit to discharge responsibilities that he will have to shoulder if promoted.
11	**W.P. No. 3267 of 2025** Muhammad Aslam Jamro v. Establishment Division through its Secretary and others. Posting: IRS/BS-19, Commissioner (OPS) (WH-I), Regional Tax Office, Multan.	The Board noted that the officer carried a mixed reputation regarding his integrity and professional competence. Moreover, his promotion potential in the training report of SMC was described as "Good" against the better available options of Very Good and "Excellent". The Board further noted that the officer earned a "Good" PER in present scale for the period from 01.07.2019 to 30.06.2020. The Board also observed that the countersigning officer in the PER for the financial Year 2021-2022 remarked as under "I know the officer very well and got to review his work quite often. I consider the assessment of the reporting officer more far arable than is justified. Mr. Jamro's assessments come under question many a times and I found than to be harsh and unjustified. He was also not able to attend the office in time most, but to lower the assessment

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SR. NO.	**TITLE OF PETITION & POSTING AT THE TIME OF IMPUGNED DECISION**	**REASONS FOR IMPUGNED DECISION**
		of the reporting officer by one notch". The Board observed that the officer has a low score on his quantified performance which is in sync with his general reputation as an officer of average competence. The Board arrived at a consensus that the officer is reputed to be an officer of average competence and questionable integrity.
12	**W.P. No. 4999 of 2025** Dr. Sajid Hussain Arain v. Federation of Pakistan through Secretary Establishment Division and others. Posting: IRS/BS-19, Additional Commissioner, Regional Tax Office, Sargodha.	The Board observed that the officer has a low score on his quantified performance which is in sync with his general reputation as an officer of average competence. The Board arrived at a consensus that the officer is reputed to be an officer of average competence and questionable integrity. The Board expressed reservations that officers of such average competence and questionable integrity, if promoted, would not be able to serve the public interest in a befitting manner.
13	**W.P. No. 5543 of 2025** Arbab Qaiser Hamid v. Establishment Division through its Secretary and others. Posting: PCS/BS-19, Chief (OPS) (R&A), Customs Policy Wing, FBR (Hqrs.), Islamabad.	The Departmental Representative apprised the Board that the officer was: (i) Superseded in CSB meeting held in September, 2021 in line with Rule 8(a) of the Civil Servants Promotion (BS-18 to BS-21) Rules, 2019; (ii) Superseded in CSB meeting held in August, 2022 and August, 2023 in line with Rule 8(a) of the Civil Servants Promotion (BS-18 to BS-21) Rules, 2019, which were later on set-aside by Islamabad High Court vide its Judgement dated 24.10.2024. ICA filed by Establishment Division has also been dismissed and Establishment Division has filed CPLA against the Islamabad High Court Order. He informed that the service record of the officer is complete in terms of the mandatory training, PERs and declaration of assets. He also apprised the Board about general reputation of the officer vis-à-vis his integrity, professional competence and promotional potential to higher position….The Board noted that the officer carried a mixed reputation regarding his integrity and professional competence. Moreover, his promotion potential in the training report of MCMC was described as "Good" against the better available options of "Very Good". A consensus emerged that the officer is reputed to be of an average competence and peccable integrity which is not in sync with his quantified performance. The Board apprehended that officers of such average competence and questionable integrity if promoted would not be able to serve the public interest in a befitting manner….the Board arrived at the conclusion that Mr. Arbab Qaiser Hamid is an officer with repute of average competence and peccable integrity and is not fit to discharge responsibilities that he will have to shoulder if promoted.

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CATEGORY B		
SR. NO.	**TITLE OF PETITION & POSTING AT THE TIME OF IMPUGNED DECISION**	**REASONS FOR IMPUGNED DECISION**
14	**W.P. No. 5544 of 2025** Dr. Nasir Khan v. Establishment Division through its Secretary and others. Posting: PCS/BS-19, Collector (OPS), Collectorate of Customs (Enforcement), Hyderabad.	The Departmental Representative apprised the Board that the officer was: (i) Superseded in CSB meeting held in January, 2021 in line with Rule 8(a) of the Civil Servants Promotion (BS-18 to BS-21) Rules, 2019; (ii) Superseded in CSB meeting held in September, 2021 in line with Rule 8(a) of the Civil Servants Promotion (BS-18 to BS-21) Rules, 2019 which was later on set-aside by Islamabad High Court vide Judgement dated 24.06.2022 and Establishment Division has filed ICA which is pending; and Superseded in CSB meeting held in August, 2022 and August, 2023 in line with Rule 8(a) of the Civil Servants Promotion (BS-18 to BS-21) Rules, 2019 which were later on set-aside by Islamabad High Court vide its Judgement dated 24.10.2024 in W.P.No.3167/ 2023. He informed that the service record of the officer is complete in terms of the mandatory training, PERs and declaration of assets. He also apprised the Board about general reputation of the officer vis-à-vis his integrity, professional competence and promotional potential to higher position…. Based on previous service record of the officer as well as additional information placed before the Board, a consensus emerged that it would not be in the public interest to recommend such an officer promotion to higher position. The Board also apprehended that officer with such questionable integrity, if promoted, would not be able to serve the public interest in a befitting manner. …After detailed deliberations covering all the aspect of the officer's performance the Board arrived at the conclusion that Dr. Nasir Khan is an officer with repute of average competence and peccable integrity and is not fit to discharge responsibilities that he will have to shoulder if promoted.

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6. The facts of writ petition No. 2409/2025 are that the petitioner, Dr. Mutahir Shah, was inducted into the Health Department, Government of Balochistan, through the Public Service Commission and appointed as Medical Officer (BS-17) on 31.05.2001, where after he joined PIMS in 2003 and, with the approval of the competent authority, stood finally absorbed on 01.09.2005. He was subsequently promoted to BS-18 on 20.03.2014 and to BS-19 on 08.09.2021, after serving on various significant positions. Dr. Mutahir Shah's case was due for consideration for promotion to BS-20 as Joint Executive

Director, PIMS against the 80% promotion quota in the CSB meeting scheduled in August 2023, the post being vacant and the petitioner being the senior-most eligible officer, however, he was not included in the roster, where after the Executive Director, PIMS, forwarded a requisition to Respondent No. 3/Federal Public Service Commission for direct recruitment to the said post. Being aggrieved, the petitioner assailed the same through a departmental representation, which was allowed vide order dated 17.05.2024. Notwithstanding the subsistence of the said order, a fresh vacancy roster was prepared by the incumbent Executive Director, compelling the petitioner to approach the Federal Service Tribunal, which, vide judgment dated 13.11.2024, allowed the appeal, holding that the alteration in the vacancy roster was without lawful authority and a direction was made to the respondents to consider the petitioner for promotion in the ensuing CSB. Thereafter, the Executive Director, in his personal capacity, preferred an appeal before the Honorable Supreme Court although Respondent No. 2/Ministry of National Health Services did not to challenge the said judgment, which was dismissed. During this period the respondents held the CSB in March of 2025, wherein the petitioner's case was considered for promotion however he was deferred for the reasons reproduced below:-

> *"The Departmental Representative apprised the Board that the officer is being considered for the first time. He informed that the service record of the officer is complete in terms of PERs and declaration of assets. He shared that the officer is exempted from mandatory trainings being an officer of specialist cadre. The DR also apprised the Board about general reputation of the officer vis-a-vis his integrity, professional competence and promotion potential to higher position. The Board deliberated upon the service profile, PERs, general reputation and the additional information of the officer, inter alia, with reference to assessment of his professional conduct, integrity and other attributes mentioned in the Objective Assessment Form. A consensus emerged that the officer has mixed reputation vis-à-vis his professional competence and integrity: thus, there is a need to further watch the performance of the officer. The Board. therefore, decided to recommend the officer for deferment on performance watch till the next CSB in line with Rule 7(d) of the Civil Servants Promotion (BS- 18 10 BS-21) Rules, 2019."*

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B. ARGUMENTS OF THE PARTIES

7. The learned counsels for the petitioners contended that the entire evaluation process stands vitiated by a manifest disregard of the prescribed statutory framework governing promotions. They argued that the CSB superseded the petitioners without affording them an opportunity of hearing or confronting them with any adverse material, in utter disregard of Rule 23 of the Civil Servants Promotion (BS-18 to BS-21) Rules, 2019 **("Promotion Rules, 2019")**, which mandates disclosure of reasons for supersession, and this non-disclosure strikes at the heart of the principles of natural justice and procedural fairness, as the petitioners have been deprived of complete knowledge of the grounds of their supersession and, consequently, of any meaningful opportunity to question or challenge the assessment. Thus, the opacity surrounding the award of marks renders the decision arbitrary and undermines the transparency mandated by the Promotion Rules 2019 and settled judicial precedents. They submitted that this action exhibits a capricious and unfettered exercise of discretion, in violation of section 24A of the General Clauses Act, 1897 **("GCA, 1897")** and is contrary to Articles 4 and 10-A of the Constitution of Islamic Republic of Pakistan, 1973 **("Constitution")**, which guarantee fairness, reasonableness and due process. Learned counsels argued that the quantification mechanism, designed to ensure objectivity and structured discretion, has been abandoned in favor of unbridled and unguided subjective assessment which is contrary to the ten parameters enumerated in Schedule-IV of the Promotion Rules 2019. In particular, undue and overriding emphasis has been placed on alleged notions of "integrity" and "average competence", without reference to any tangible material or the overall service record. Learned counsels asserted that such conclusions, unsupported by evidence not disclosed and reached without confronting the petitioners with any adverse material, offend the principles of fairness and due process. The failure to undertake a comparative assessment, the reliance on undisclosed or extraneous considerations, and the absence of individual evaluation by members of the CSB cumulatively render the impugned actions arbitrary, discriminatory, and violative of the fundamental requirement of meaningful and fair consideration for promotion.

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8. The learned counsels for the petitioners further contended that the Impugned supersessions and deferments are wholly unsustainable, being founded upon non-speaking, vague, and cyclostyled reasons which betray a complete absence of independent application of mind. They argued that the reasons furnished neither disclose the material relied upon nor demonstrate any rational nexus between the record of the petitioners and the adverse conclusions drawn against them. It was submitted that the uniformity and mechanical nature of such reasons, coupled with patent errors, reflect that the outcomes were pre-determined and subsequently justified through reverse-engineered justifications. Such an approach, it was contended, not only defeats the requirement of transparency and accountability but also results in grave civil consequences by permanently impairing the seniority and promotional prospects of the petitioners without lawful justification. They also submitted that throughout the petitioners' careers no disciplinary proceedings have ever been initiated against them under the Civil Servants (Efficiency and Discipline) Rules, 2020 **("E&D Rules 2020")** nor have they ever been issued an explanation letter, show-cause notice or subjected to any penalty for misconduct, inefficiency or corruption by any Investigation Agency. Lastly, the learned counsels on the objection of maintainability contended that the controversy raised does not fall within the bar of Article 212. It was contended that the right to be considered for promotion, particularly the determination of "fitness" for a higher post, is not a mere service dispute of routine nature but entails examination of legality, fairness, and adherence to statutory rules and constitutional guarantees. Such matters, by their very character, warrant judicial scrutiny where the process adopted by the authorities is alleged to be arbitrary, discriminatory, or in violation of due process. The petitioners, therefore, submitted that the present petitions are maintainable and amenable to judicial review.

9. The learned counsels for petitioners in writ petitions no. 4563, 1221 and 1286 of 2025 submitted that on 11.03.2025 a grave national security incident occurred involving the attack on the Jaffar Express in Bolan Pass, Sibi, Balochistan, resulting in loss of lives and necessitating the immediate presence in Quetta of key state functionaries, including the Chief Minister Balochistan, the Inspector General of Police Balochistan, the Chief Secretary Balochistan,

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and the Secretary, Ministry of Interior, who remained engaged in managing the emergent situation, including official visits on 13.03.2025. Learned counsels contended that the CSB meeting convened during 11th-14th March, 2025 included, *inter alia*, the Secretary, Ministry of Interior, Chief Secretary Balochistan, and Inspector General of Police Balochistan, whose presence was essential for a fair, informed, and meaningful evaluation of the petitioners, as they were directly acquainted with their service records, performance, and professional conduct. It was argued that their deprived the Board of critical input, resulting in an incomplete and biased assessment of the petitioners' cases. The petitioners further submitted that, in view of these extraordinary circumstances, a formal request was made to the Chairman, Federal Public Service Commission, to defer consideration of the agenda relating to PSP officers for a short period, however, despite past instances of adjournment on administrative grounds and even a request conveyed by the Chief Minister Balochistan, such request was declined. Consequently, the petitioners were superseded while their juniors were promoted, not on the basis of merit or performance but due to lack of adequate departmental representation. It was asserted that the Impugned decision making process violated the guarantees of equality and fair treatment enshrined in Articles 4, 9, 18, 25, and 10-A of the Constitution, as similarly placed officers were not afforded fair consideration since the department representative was not present and role of departmental representatives in apprising the Board of relevant material, including pending proceedings is paramount, thereby underscoring the necessity of their presence and their absence renders the proceedings procedurally deficient and *coram non judice*. Lastly, the learned counsels contended that the promotion of junior officers in disregard of settled promotion and administrative principles is arbitrary and discriminatory, contrary to the law declared by the Supreme Court of Pakistan.

10. Conversely, the learned Additional Attorney General Mr. Rashid Hafeez raised preliminary objections regarding the maintainability of the writ petitions. Firstly, he contended that the petitioners are civil servants, therefore, their terms and conditions are governed by the Civil Servant's Act, 1973 and under Article 212 of the Constitution jurisdiction of this Court is barred and that u/s 23-B of the Civil Servant Act, 1973 only Federal Service Tribunal ***("FST")*** has

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jurisdiction to hear the cases of the civil servants. The second objection was raised in the comments furnished by the Federation, that the writ petitions are not maintainable being pre-mature at the time of its filing as no cause of action accrued at that time. Neither any order was issued nor were reasons communicated to the petitioners to classify them as "aggrieved" at the time of filing the petitions. Learned Additional Attorney General submitted that under Article 199 of the Constitution only an aggrieved person can approach the High Court in its writ jurisdiction, whereas in the instant cases the petitioners were not aggrieved as no final order / notification was issued till filing of the writ petitions. However, the minutes of the CSB have now been communicated in terms of Rule 23 of Promotion Rules 2019.

11. Without prejudice to the above objections, the learned Additional Attorney General contended on merits that promotion to BS-20 and 21 is a selection post governed by Section 9 of the Civil Servants Act, 1973 and the Promotion Rules 2019, wherein promotion is based on *fitness-cum-merit* and not as a matter of right and mere fulfillment of eligibility criteria such as seniority and length of service does not entitle an officer to promotion since the CSB, comprising senior officers, assesses the overall suitability of candidates through its collective wisdom, having regard to PERs, training evaluations, service record, and general perception regarding integrity, efficiency, leadership, and professional competence. In this regard it was submitted that the CSB, after detailed deliberation, found the petitioners to be officers of average competence with questionable integrity, noted their limited promotion potential as reflected in their Mid-Career Management Course, and provided their recommendations on a rational, merit-based, and objective assessment.

12. Learned Assistant Attorney General Mr. Fahad Tareen in writ petitions no. 4563, 1221 and 1286 of 2025, submitted that the conduct and validity of the CSB proceedings are governed by the Civil Servants Act, 1973, the rules framed thereunder, the Promotion Rules, 2019, and the Establishment Division Office Memorandum dated 24.10.2007, which together constitute a comprehensive framework regulating eligibility, evaluation, and procedural aspects of promotion. He contended that Clause 10(i) of the said Office Memorandum explicitly provides that no quorum is required for holding meetings of the CSB,

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a provision designed to ensure continuity of administrative processes and prevent disruption due to the absence of any member. He further contended that the Promotion Rules 2019 do not prescribe any minimum numerical requirement for a valid meeting and, therefore, do not override or conflict with the Office Memorandum, rather, they both operate harmoniously, with the latter continuing to govern procedural aspects not expressly addressed in the Promotion Rules 2019.

13. The learned counsel for respondent No. 2/FBR Ms. Zainab Janjua contended that the Impugned Decisions do not suffer from any element of arbitrariness, *mala fide*, or colorable exercise of authority. On the contrary, the same are the culmination of a structured process of subjective assessment anchored in objective criteria, strictly in accordance with the Promotion Rules 2019. She submitted that the said Rules were framed pursuant to the authoritative pronouncement of the Honorable Supreme Court of Pakistan in the case of ***Federation of Pakistan vs. Dr. Muhammad Arif & Others, (2017 SCMR 969)***, whereby the earlier deficiencies in the promotion regime were identified and directions were issued to introduce a transparent, criteria-based evaluation mechanism. In compliance therewith, the Promotion Rules 2019 have structured discretion by prescribing an objective assessment framework, thereby ensuring that the evaluation of officers is based on verifiable service record, quantified parameters, and documented material, rather than unguided or personal predilections. The Impugned Decisions, therefore, reflect a lawful exercise of jurisdiction within a regulated statutory framework. Learned counsel further submitted that the scope of judicial review in matters pertaining to promotion to selection posts remains inherently limited, particularly when examined in light of the doctrine of separation of powers and the principle of administrative deference. The CSB, comprising senior functionaries of the highest echelon of the civil service, is specifically entrusted with the task of identifying the "best of the best" for higher leadership positions, a function that necessarily entails comparative evaluation, institutional expertise, and policy considerations. Such determinations, being rooted in specialized administrative judgment, are entitled to due judicial deference and cannot be substituted by the opinion of this Court while exercising constitutional jurisdiction. She submitted that the law in this

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regard has been authoritatively settled by the Honorable Division Bench of this Court in ***Sikandar Hayat Maken vs. Federation of Pakistan, (2021 PLC (C.S.) 1450)***, wherein it has been held that the subjective evaluation undertaken by the CSB, when based on structured criteria under the Promotion Rules 2019 is not amenable to judicial interference absent demonstrable *mala fide* or patent illegality.

14. Lastly, the Ms. Zainab Janjua submitted that the petitioners' reliance upon precedents predating the Promotion Rules 2019 and the judgment in the case of *Dr. Muhammad Arif (Supra)* is wholly misconceived and legally untenable. Such precedents were rendered in a regulatory vacuum where promotion policies suffered from vagueness and conferred unguided discretion upon the CSB, thereby necessitating judicial intervention. However, the promulgation of the Promotion Rules 2019 has addressed and remedied all such deficiencies by introducing a comprehensive and unified code governing promotions to selection posts. The legal validity and efficacy of this framework has already been upheld in the case of *Maken (Supra)*, which squarely covers the issues raised in the present petitions. In the absence of any subsequent binding authority to the contrary, and in view of the failure of the petitioners to establish any illegality, arbitrariness, or mala fide, the instant petitions are liable to be dismissed.

15. I have given anxious consideration to the arguments of the learned counsel for the parties and perused the record with their able assistance.

C. OBJECTIONS

I. MAINTAINABILITY

16. It is necessary to first address the objection of maintainability raised by the learned Additional Attorney General who contended that this Court's jurisdiction was ousted by Article 212 of the Constitution in matters relating to the terms and conditions of service of the civil servants and that these matters fall within the exclusive jurisdiction of the FST which is competent to decide the matter. However, the same is devoid of merit. It is settled law that assessment of fitness and suitability are excluded from the jurisdiction of the FST under section

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4 of the Federal Service Tribunals Act, 1973[1] and the jurisdiction of High Court is not barred, where the issue pertains to fitness for promotion. As a consequence, the bar contained under Article 212 is not attracted to the present cases and the same has been categorically held by the superior courts in numerous cases.[2] Moreover, it is reiterated that while a party may raise objections to maintainability, such objections must accord with settled law, including binding judicial interpretation. In the absence of any change in the statutory framework, the repetition of such objections, contrary to consistent precedent, is unwarranted and wastes judicial time. It is well settled that denial of fair consideration for promotion is amenable to judicial review, and that the right to be fairly considered is distinct from the right to promotion itself, as recognized by the Honorable Supreme Court in the case of *Tariq Aziz-ud-Din.*[3]

II. PREMATURE CAUSE OF ACTION

17. The second objection raised, rests upon the contention that a writ petition directed against an administrative decision is premature where the formal reasons underpinning that decision have not yet been communicated to the aggrieved party. The submission, reduced to its essence, is that until reasons are furnished, no complete cause of action exists, and that the constitutional jurisdiction of this Court cannot be invoked in the absence of a discernible, communicated order. It was further urged that the subsequent communication of reasons has cured the alleged statutory violation of communication, and that the petitioners ought to have awaited that communication before approaching this Court. The objection is not devoid of initial merit, however, upon closer examination rests upon a premise that is not merely legally untenable but one that, if accepted, would visit consequences upon the civil servant that no system committed to the rule of law could sanction.

18. Before proceeding to determine the objection, it is necessary to frame it within its proper factual and legal context since an objection of this nature cannot

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[1] *Secretary Establishment Division vs. Aftab Ahmed Maneka, (2015 SCMR 1006).*
[2] *Orya Maqbool Jan vs. Federation of Pakistan through Secretary and others, (2014 SCMR 817), I.A. Sherwani and others vs. Government of Pakistan through Secretary Finance Division, Islamabad and others, (1991 SCMR 1041), Mian Abdul Malik vs. Dr. Sabir Zameer Siddiqui and 4 others, (1991 SCMR 1129).*
[3] *Tariq Aziz-ud-Din vs. Federation of Pakistan, (2010 SCMR 1301)*

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be assessed in abstract and must be looked at holistically including the specific conduct of the party that raises it. The question is not simply whether, a writ petition may be filed in the absence of communicated reasons or formal decision. The question is whether, in the particular factual matrix of the present cases, where the statutory obligation to provide reasons immediately was deliberately and persistently disregarded for months, the Federation may be permitted to rely upon the very deficiency they created as a ground for non-suiting the petitioners. The question, when posed in these terms, carries within it the seeds of its own answer since, to accept the respondents' contention would lead to an anomalous situation whereby the Federation could insulate its decisions from judicial review by simply withholding the reasons and formal decision at the initial stage, thereby stalling the accrual of cause of action. Administrative fairness demands that where a civil servant is superseded or deferred, particularly in a competitive promotional exercise, the formal decision and reasons forming the basis of such supersession or deferment be conveyed immediately. In the present matters, although the CSB concluded its deliberations in March, 2025, the reasons were communicated to certain petitioners only in September, 2025 and to others as late as December, 2025. A prolonged silence without any justification lends credence to the petitioners' apprehension that the process lacked transparency. Thus, the delayed disclosure cannot defeat the maintainability of the petitions.

19. Even otherwise, the understanding of the Federation of the cause of action or grievance of the petitioners is misconceived. The meeting of the Board was held on 11th–14th March 2025, and shortly thereafter, the recommendations of the CSB were approved by the competent authority, and the petitioners were aware that they had not been promoted. The adverse outcome had thus attained finality in substance, even if the supporting reasons were not yet disclosed or the decision not communicated. The cause of action, therefore, did not rest upon the knowledge of specific grounds recorded by the CSB but upon the grievance suffered through unlawful supersession/deferment. In service jurisprudence, supersession or deferment is not a neutral event and it carries immediate consequences affecting status, seniority, and future prospects. Once that consequence materialized, the petitioners became entitled to seek judicial review on the ground that the decision-making process lacked transparency, fairness, or

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adherence to rules. The subsequent communication of reasons in September and December 2025 i.e. months after the meeting does not retrospectively render the earlier challenge premature rather it supplements the record for purposes of adjudication.

20. Even if this Court were inclined to accept this narrow procedural objection, the delayed communication of reasons remain actionable in its own right as a breach of the administrative duty of timely and meaningful disclosure. An administrative decision that carries profound professional consequences for the affected officer and cannot be treated as incomplete and irregular merely because the reasons are supplied eventually. Procedural regularity, is not satisfied by eventual compliance but compliance within a timeframe that preserves the utility of the right being exercised. This principle finds direct expression in the maxim *nullus commodum capere potest de injuria sua propria* i.e. no man can take advantage of his own wrong, and is squarely applicable here since the Federation seek to benefit from the very delay they caused by contending that the absence of communicated reasons rendered the petitions premature, while simultaneously relying on the eventual communication of those reasons to suggest that the grievance has since been addressed. In such like cases, a party cannot approbate and reprobate in the same breath.

III. CONSTITUTION OF LARGER BENCH

21. The crux of the objection raised by the learned counsel for FBR Ms. Zainab Janjua is that the adjudication of instant petitions by this Court ought to be in light of the binding precedent of the Honorable Division Bench of this Court in *Sikandar Hayat Maken vs. Federation of Pakistan, (2021 PLC C.S. 1450)* since *Maken* specifically addresses all the grievances/grounds raised by the petitioners in the context of promotion to selection posts, the Promotion Rules 2019 and the law laid down by the Honorable Supreme Court in *Dr. Muhammad Arif (Supra)* judgment, hence, *Maken* is the applicable law.

22. Firstly, this Court agrees with the law set out in the *Maken* judgment that the Court ought not undertake strict scrutiny of the merits of the decision rendered by the CSB or second guess the opinion formed by CSB regarding the fitness of the civil servant for promotion. However, the grounds raised in therein

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while correct are not the sole grounds for judicial review and while arbitrariness, *mala fide* and abuse of discretion and unfairness as set out in *Maken* are binding on this Court, this Court's power of judicial review is not limited to those grounds. If this is to be the prevailing point of view, anytime a challenge is brought to an administrative action it would lead to a wholly inequitable situation whereby the courts power to grant a relief on valid and recognized ground would be curtailed since. Even otherwise, the respondent's reliance on *Maken* is misconceived since these grounds are the sub grounds/sub-categories of the three major grounds for judicial review on which administrative actions can be reviewed. The nomenclature of grounds were defined by Lord Diplock in the case of *Civil Service Union*[4] as "illegality" "irrationality" and "procedural impropriety" in the following manner:-

> *"By 'illegality' as a ground for judicial review I mean that the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it. Whether he has or not is par excellence a justiciable question to be decided, in the event of dispute, by those persons, the judges, by whom the judicial power of the state is exercisable.*
>
> *By 'irrationality' I mean what can by now be succinctly referred to as 'Wednesbury unreasonableness'. It applies to a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it. Whether a decision falls within this category is a question that judges by their training and experience should be well equipped to answer, or else there would be something badly wrong with our judicial system. To justify the court's exercise of this role, resort I think is today no longer needed to Viscount Radcliffe's ingenious explanation in Edwards (Inspector of Taxes) v. Bairstow of irrationality as a ground for a court's reversal of a decision by ascribing it to an inferred though unidentifiable mistake of law by the decision-maker.*
>
> *'Irrationality' by now can stand on its own feet as an accepted ground on which a decision may be attacked by judicial review. I have described the third head as 'procedural impropriety' rather than failure to observe basic rules of natural justice or failure to act with procedural fairness towards the person who will be affected by the decision. This is because susceptibility to judicial review under this head covers also failure by an administrative tribunal to observe procedural rules that are expressly laid down in the legislative instrument by which its jurisdiction is conferred,*

[4] *Council of Civil Service Union vs. Minister (1984) 3 All ER 935, 950-952*

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even where such failure does not involve any denial of natural justice."

23. These grounds provide a coherent framework and have been affirmed by the Honorable Supreme Court of Pakistan in the case of ***Asaf Fassihuddin Khan Vardag vs. Government of Pakistan, (2014 SCMR 676)***. Moreover, judicial review cannot be limited to certain grounds since the rights of the parties may be affected and the same has been held in the case of ***Dr. Akhtar Hassan Khan vs. Federation of Pakistan, (2012 SCMR 455)*** by the Honorable Supreme Court of Pakistan in which the Court explicitly stated that, *"The above are only the broad grounds but it does not rule out addition of further grounds in course of time."* Thus, in each case this Court is duty bound to measure what has been done, or not done, against the relevant statutory provisions. As such this Court is constantly involved, in an often refined exercise of interpretation of legislative provisions and the assessments of the administrative body bound to adhere to them. This is the inherent power of the court to review the legality of the action.

24. Moreover, *Maken* is distinguishable since these grounds of judicial review were not the subject matter before the Court. Therefore, the contention is without merit and the Impugned supersessions and deferments can be tested against the above grounds. This Court in writ petition No. 421/2022 titled ***Yousif Hyder Shaikh vs. Establishment Division through its Secretary, Government of Pakistan and 2 others*** has also observed, "*In view of the above, the reading of the Federal Government of the law enumerated in Sikandar Hayat Maken is misconceived as the Court was seized of question of legality of the Promotion Rules. While upholding the vires of the Rules it was not seeking to move back the hand of the clock by holding that the CSB was empowered to undertake subjective assessment based on personal information and opinion of members comprising the CSB and such assessment would have the backing of law. The Promotion Rules were not enacted in the derogation of the law laid down in Federation Pakistan Vs. Dr. Muhammad Arif, but in its compliance. And the Promotion Rules are therefore to be given effect in consonance with the law laid down and principles highlighted in Dr. Muhammad Arif."* Moreover, the learned Divisional Bench of this Court in ***I.C.A No. 877 of 2024*** titled ***Federation of Pakistan through its Secretary Establishment Division, Islamabad vs. Arbab***

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Qaiser Hamid rejected the contention that judicial interference with an order of supersession amounts to impermissible second guessing or runs afoul of the principle laid down in *Sikandar Hayat Maken* judgment. The Court, upon examining the record, noted that although the officer's TERs and PERs were satisfactory and not below the prescribed threshold, the Central Selection Board had nonetheless declared him to be of "average competence" and of "questionable integrity" without any supporting material. It was further observed that no reasons were recorded as to how such adverse conclusions were reached, particularly when they did not flow from the service record and no additional material was shown to have been considered. The Divisional Bench also took exception to the procedural irregularity whereby the Board filled a single collective proforma, reiterating its earlier view that it is inconceivable for multiple members of a collegial body to arrive at identical assessments without independent application of mind. In these circumstances, the Court held that the absence of reasons and lack of demonstrable material reflected non-application of mind, thereby justifying judicial interference, and consequently dismissed the appeal in *limine*.

25. There is yet another aspect to the matter i.e. if the matter were to be referred to or heard by a larger Bench at this stage, either party would be effectively deprived of their valuable right to assail the judgment through an intra-court appeal. The right of appeal is not a mere procedural formality but a substantive and statutory right conferred under Section 3 of the Law Reforms Ordinance 1972, which cannot be curtailed except in accordance with law. The adjudication of these petitions by this Court in the capacity as Single Judge preserves the statutory scheme, as any aggrieved party would retain the remedy of intra-court appeal, wherein the Division Bench would naturally examine errors, if any. Conversely, the constitution of a larger Bench at the outset would foreclose such remedy altogether and this Court is disinclined to render nugatory a right expressly granted by the legislature. Moreover, the same would ensure institutional efficiency since the Single Bench undertakes detailed adjudication, thereby streamlining the scope of scrutiny at the appellate stage and conserving valuable judicial time. In these circumstances, the contention seeking constitution of a larger Bench is devoid of merit, and this Court is fortified in its

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view that the matter be heard in the ordinary course so as to preserve statutory rights. More importantly, this Court cannot remain oblivious to the consistent disapproval expressed by the superior courts regarding the conduct of public functionaries who, instead of acting in a fair, transparent, and reasonable manner, resort to avoidable litigation at the expense of the public exchequer. In the present cases, the objections raised by the respondents, particularly on grounds of maintainability and constitution of larger Bench, appear to be nothing more than an attempt to prolong the *lis* and compel the petitioners to engage in needless and repetitive litigation. Civil servants, who form the backbone of the administrative machinery, operate within limited means and ought not to be driven from pillar to post for enforcement of rights already recognized by the authoritative pronouncements of the superior courts.

IV. LIMITED SCOPE OF JUDICIAL REVIEW DUE TO THE PRINCIPLE OF ADMINISTRATIVE DEFERENCE

26. The second core argument advanced by the learned counsel for FBR was that in light of the principle of administrative deference, the scope of the judicial review in matters of promotion to selection posts is inherently limited since, CSB comprises senior officers of the highest echelon of the civil service and has been specifically constituted to assess and select officers for promotion on a best of the best policy. Therefore, its determinations being based on institutional expertise are entitled to due deference for which reliance was placed on ***Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc. [467 U.S. 837 (1984)]***. This principle was enunciated by the United States Supreme Court's in the case of *Chevron Inc. (ibid)* wherein the Court held that, *"the power of an administrative agency to administer a congressionally created…..program necessarily requires the formulation of policy and the making of rules to fill any gap left, implicitly or explicitly, by Congress. If Congress has explicitly left a gap for the agency to fill, there is an express delegation of authority to the agency to elucidate a specific provision of the statute by regulation. Such legislative regulations are given controlling weight unless they are arbitrary, capricious, or manifestly contrary to the statute. Judges are not experts in the field, and are not part of either political branch of the Government. Courts must, in some cases, reconcile competing political interests, but not on the basis of the*

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judges' personal policy preferences. In contrast, an agency to which Congress has delegated policy-making responsibilities may, within the limits of that delegation, properly rely upon the incumbent administration's views of wise policy to inform its judgments. While agencies are not directly accountable to the people, the Chief Executive is, and it is entirely appropriate for this political branch of the Government to make such policy choices….". In furtherance of this, the learned counsel contended that the principle is not just restricted to the United States, in fact the same is also recognized in Pakistan particularly in matters involving specialized expertise, complex policy decisions, or technical assessments which are referred to as *polycentric issues* and under this principle, the judiciary acknowledges its own institutional limitations and generally defers to the judgment of the executive and administrative bodies acting within their domain of expertise. However, this argument is devoid of merit for twofold reasons. Firstly, and quite frankly, the understanding of the principle by the respondents is misconceived. At this juncture it is apposite to delineate the contours of the doctrine commonly referred to as "Chevron deference." This doctrine entails a two-part test in which the judges first examine the wording and the context of the statute in question to see if Congress's intent is clear. If it is, then the matter is settled and the agency is obliged to follow the letter of the law. However, if the statutory language is ambiguous i.e. if it has two or more reasonable interpretations, the reviewing court must defer to the agency's choice in how to carry out the law. The rationale behind such deference was that expert agencies, accountable to an elected president, are better suited than federal judges to make the policy choices that Congress left open. The first reason why the understanding of this doctrine is misconceived is because the said doctrine postulates that, in circumstances where if Congress has not directly addressed the question at the center of a dispute, a court was required to uphold the agency's interpretation of the statute as long as it was reasonable. However, in the present matter the language of the law is unequivocal. The foremost requirement is that the case of an eligible officer must be considered strictly in accordance with the statutory rules and notified criteria and any deviation whether by applying extraneous considerations or ignoring prescribed benchmarks vitiates the process. The Board is bound not merely to "consider," but to consider in the manner mandated by law.

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27. In the present matters, the relevant provision of the law is Schedule IV of Promotion Rules 2019. A bare perusal of the same makes it manifest that the material permissible for consideration is strictly confined to the PERs, TERs, the dossier and documentary evidence. The rules do not contemplate, either expressly or by necessary implication, any reliance upon extraneous or intangible considerations. The CSB is, therefore, legally constrained to operate by forming a subjective opinion on the basis of objective criteria, which is evident from Schedule IV which lists the material on the basis of which each attribute is to be graded. The same is reproduced below:-

Sr. No	**Parameters/Attributes**	**Total Marks 30**	**Marks Assigned**
1.	Output and quality of work Proficiency/productivity/objectivity/effectiveness **Dossier and documentary evidence**	3	
2.	Variety and Relevance of Experience Secretariat/Field postings: Federal/Provincial Government Postings; Leadership/Routine Postings; Deputation/Foreign Postings	3	
3.	Professional Expertise Organization/methodical/reliability under pressure/knowledgeable/level headedness. **Based on dossier and career profile, TERs**	3	
4.	Personality Profile **(As known to the Board Members primarily on the basis of dossier/documentary evidence)**	3	
5.	Conduct, Discipline, Behavior Observation by RO/CO during the last 05 years OR as known to the Board Members **primarily on the basis of dossier/documentary evidence**	3	
6.	Leadership Functional ability/confidence/decision-making; **based on dossier, TERS, PERs**	3	
7.	Estimated Potential for Middle/Higher Management **Based on PERs and TERs**; Management Skills, Ability to take decisions, Strategic Thinking, Leadership Qualities, Drive for Results and Accomplishments in BPS-19 and 20 in policy formulation and implementation.	3	
8.	Integrity/General Reputation/Perception Professional Ethics/Conduct; **On the basis of PERs/TERs/Opinion of the Board primarily based on the dossier/documentary evidence.**	3	
9.	Commitment to Public Service; Devotion to duty/drive/motivation **based on PERs, Career Profile, Dossier.**	3	
10.	Teamwork;	3	

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Sr. No	Parameters/Attributes	Total Marks 30	Marks Assigned
	Communication/motivation/interpersonal relations **based on Career profile, PERs, TERs**		
	TOTAL MARKS		

28. Secondly, the Supreme Court of U.S.A has overruled *Chevron* in the case of ***Loper Bright Enterprises v. Raimondo, 114 S.Ct. 224 (2024)***. After the ruling in *Loper Bright Enterprise's* case, the courts are allowed to not defer to agencies and independently interpret the statue in question. Even otherwise, administrative deference cannot act as a cloak and is not a license to act arbitrarily, nor does it clothe an authority with the power to depart from the express mandates of the law under the guise of expert judgment or institutional discretion. Where a statutory framework prescribes a definite procedure, lays down specific criteria, or imposes an unambiguous obligation upon an authority, the question before the court is no longer one of policy or expertise. It becomes, purely and simply, a question of law. In such circumstances, the court is not trespassing upon the domain of the executive by holding the authority to the letter of the statute. It is performing its most fundamental constitutional function, which is to ensure that no body, howsoever senior or specialized, acts in excess of, or in derogation of, the authority conferred upon it by law. It follows, therefore, that where illegality or arbitrariness is established, deference must yield to legality. An administrative body cannot invoke its own expertise to justify a departure from statutory requirements, for expertise pertains to the substance of a decision made within the law, not to the power to act outside it. To permit otherwise would be to render the rule of law subordinate to institutional convenience, a result that no constitutional order can countenance. The deference owed to administrative bodies is thus a qualified and conditional deference, one that endures only so long as the authority acts within the bounds of its lawful mandate and in accordance with the principles of fairness and rationality that undergird all valid administrative action.

29. Moreover, the applicability of this principle by the respondents is misconceived since the principle of deference in Pakistan's legal context has only been applicable on *polycentric* issues and issues which can potentially

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impact any government endeavors to promote investment and enhance security measures.[5] This principle if understood correctly, states that the policy and administrative issues often referred to as *polycentric* issues requiring specialized expertise are left to the discretion of competent authorities who are better positioned to record opinions on such matters, and courts should exercise restraint on such matters, however, even these are subject to judicial review if any glaring illegality or violation of fundamental rights exists[6].

30. Another aspect to the matter is that the principle of administrative deference and the doctrine of separation of powers operate within carefully circumscribed boundaries, and their application is confined to those categories of decisions in respect of which the legislature has expressly or impliedly conferred upon an administrative or executive body a discretion rooted in technical expertise, institutional knowledge, or complex policy considerations that are inherently polycentric in nature. It is in recognition of this limitation, and not in abdication of judicial duty, that courts have historically exercised restraint in interfering with such decisions. Thus, it needs to be reiterated that this Court remains fully cognizant of the settled legal position that the ultimate determination of fitness, suitability and capacity to shoulder higher responsibilities lies within the exclusive domain of the Board, and that while exercising jurisdiction under Article 199 of the Constitution, this Court cannot reappraise merit or substitute its own opinion for that of the competent authority. Judicial interference with the decisions of selection boards is therefore permissible only in exceptional circumstances, and the threshold for such interference is accordingly high. That threshold is, however, crossed where the Board fails to give meaningful consideration to an officer's case for promotion and further omits to record or communicate plausible reasons for his supersession/deferment. It is precisely upon this ground that the petitioners have invoked the constitutional jurisdiction of this Court, contending that they were denied the right to fair and just consideration for promotion. It is trite law that the right to be considered for promotion, fairly and justly, is a right wholly

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[5] *Muhammad Azam v. Province of Punjab etc., (2022 CLC 532), Muhammad Umais v. Cantonment Board Rawalpindi and others, (PLD 2022 Lahore 148) and Syed Faisal Mehboob v. Federation of Pakistan and others, (2022 CLC 1153)*
[6] *Ibid*

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distinct from the right to promotion itself. The former is an enforceable entitlement whereas the latter remains, at all times, subject to the discretion of the competent authority. This distinction has been unequivocally affirmed by the Honorable Supreme Court in the case of *Tariq Aziz-ud-Din (Supra)* and applies with full force to the facts of the present case. It is therefore paramount to clearly delineate the scope and nature of the review being undertaken by this Court. This Court is not engaged in an exercise of reappraising the comparative merit of the petitioners, nor is it arrogating to itself the function of the Board by promoting any officer or directing his promotion. The judicial review is confined, strictly and wholly, to an examination of the legality, rationality and procedural propriety of the Impugned Decision. Where a decision of a statutory body is shown to be the product of non-application of mind, is unsupported by plausible reasoning, or has been reached in derogation of the procedural safeguards prescribed by law, it falls within the recognized jurisdiction of this Court to intervene. Such intervention does not encroach upon the institutional domain of the Board rather it reaffirms the foundational principle that all public functionaries must act fairly, reasonably and justly and that power and discretion must be exercised in accordance with law.

D. QUESTIONS FOR DETERMINATION

31. Tersely, the petitioners in all these petitions are civil servants and were eligible to be considered for promotion and after deliberation by the CSB in each case, they were recommended for supersession and deferment where after the competent authority approved the same. While considering the background of the petitions, the grounds raised by the parties and question of law involved, the following question needs adjudication by this Court:-

> *i) Whether the Impugned Decisions are liable to be set aside on the ground that the Board failed to accord meaningful consideration to the petitioner's cases for promotion?*
>
> *ii) Whether the delayed communication of reasons is illegal?*
>
> *iii) Whether the proceedings of CSB are coram non judice?*

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E. ILLEGALITY

32. This Court shall now address the first question framed. The first element of fair, just and meaningful consideration would be whether the decision-making process reflects lawful exercise of discretion or suffers from any illegality. The first glaring illegality manifest from the record relates to the CSB's abdication and delegation of its statutory function. The involvement of the Departmental Representative to the extent where he can cast doubts on integrity of the civil servant in the Board's proceedings is illegal and *ultra vires* the Promotion Rules 2019 since that is not the role of the Departmental Representative under the rules. Schedule-VI of the Promotion Rules 2019 is exhaustive and unambiguous in delineating the functions of the Departmental Representative attending meetings of the Central Selection Board, Departmental Selection Board, or Departmental Promotion Committee, which is reproduced hereunder:-

> *"**SCHEDULE-VI***
> *[See rule 24]*
> ***Guidelines for Ministries, Divisions, Departments and Responsibilities of Departmental Representative***
> *(1) The Administrative Ministries, Divisions and Departments shall submit their cases of promotion for placing before CSB, DSB or DPC on following prescribed forms specimen of which are given at annexures:-*
>
> | | |
> |---|---|
> | *(i) Proposal form (CP-I)* | *Annex-I* |
> | *(ii) Panel form (CP-II)* | *Annex-II* |
> | *(iii) Synopsis form (CP-III)* | *Annex-III* |
> | *(iv) Seniority form (CP-IV)* | *Annex-IV* |
> | *(v) Quantification form (CP-V)* | *Annex-V* |
>
> *(2) The Administrative Ministries, Divisions and Departments shall ensure that documents related to the proposals for promotion are prepared with utmost care so that the information submitted to the CSB, DSB and DPC is complete and accurate in all respects and shall also ensure that:*
>
> *(i) Proposal form is signed by the Secretary/Additional Secretary incharge of the Division.*
>
> *(ii) Complete recruitment rules are furnished.*
>
> *(iii) ICP Charts/PER dossiers are complete. Explanation about the missing reports is available in the dossier and all columns have been accurately filled in the synopsis form.*
>
> *(iv) Full particulars of officers are furnished in the seniority list which is final after circulation, un-disputed, complete and duly authenticated.*

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(v) Quantification of PER gradings is correct and quantification form is enclosed in respect of each officer on the panel.

(vi) Number of clear vacancies is indicated.

(vii) Training status of the officers on the panel is indicated and training reports are enclosed in respect of each officer on the panel.

(3) The departmental representatives who attend the meetings of the CSB, DSB and DPC shall apprise the CSB, DSB and DPC whether or not any departmental proceedings or investigations/trial by NAB, FIA, ACE etc. are pending against the government servants whose cases are being considered by the CSB, DSB and DPC.

(4) Any benefit derived by any person in pursuance of a judgment, conviction or sentence passed under section 31A of the National Accountability Ordinance, 1999 declared by the Supreme Court as void ab-initio, shall not hold the field.

(5) While forwarding proposals for consideration of CSB, DSB and DPC the administrative Ministries, Divisions and Departments shall provide the following additional details and certificates, namely:-

(a) details of penalties, if any, awarded to the officers on the panel during the entire career (BPS-17 and above);

(b) details of punishments under any criminal laws including National Accountability Ordinance, 1999, if any, awarded to the officers on the panel during the entire career (BPS-17 and above);

(c) certificate to the effect that none of the officers on the panel derived any benefit in pursuance of National Reconciliation Ordinance, 2007 (NRO) in the entire career (BPS-17 and above) within the meaning of the Supreme Court of Pakistan judgment dated 16-12-2009 on NRO; and

(d) certificate to the effect that no punishment has been awarded to any of the officers on the panel under any criminal law including National Accountability Ordinance, 1999 in the entire career (BPS-17 and above)."

33. As evident from above, the role is purely informational and documentary in character, confined to five discrete categories of permissible disclosure. First, the Departmental Representative is required to apprise the Board whether any departmental proceedings or investigations and trials by NAB, FIA, or ACE are pending against the officer under consideration. Second, the Representative must certify that no officer on the panel derived any benefit under the National Reconciliation Ordinance 2007 as declared *void ab initio* by the Supreme Court of Pakistan vide judgment dated 16 December 2009. Third, the Representative

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must furnish details of any formal penalties awarded to the officer during the entirety of his career from BPS-17 and above under disciplinary rules or criminal law. Fourth, the Representative must disclose any punishments awarded under the National Accountability Ordinance 1999 or any other criminal law. Fifth, the Representative is required to confirm the training status of the officer and enclose relevant training reports. The role of the Departmental Representative is, in essence, that of a compliance officer whose function is to ensure that the Board possesses accurate, documentable, and formally verifiable information relating to the legal and disciplinary standing of the officer. Schedule-VI confers no authority upon the Departmental Representative to express personal opinions, offer character assessments, convey reputational impressions, or provide evaluative feedback regarding the integrity or professional competence of any officer.

34. It is a settled principle of law that where a statute has entrusted a function to a specific body, that function must be exercised by that body and by no other. De Smith, in Judicial Review of Administrative Action, (7th edn., 2013), states the principle with characteristic precision, *"A discretionary power must, in general, be exercised only by the public authority to which it has been committed. It is a well-known principle of law that when a power has been conferred to a person in circumstances indicating that trust is being placed in his individual judgment and discretion, he must exercise that power personally unless he has been expressly empowered to delegate it to another."* Similarly, in the case of ***ARY Communications Limited through duly Authorized Officer vs. Council of Complaints, Islamabad through Secretary and 2 others, (*PLD 2022 Sindh 552**) the Court held:-

> *"The rule of reasonableness is so embedded in the jurisprudence that even where statute confers arbitrary powers on any authority, it is to be read in such statute that the authority while exercising its discretion shall act reasonably. The reasonableness of any action by an authority is eroded where it acts with improper motive, on irrelevant considerations, or without regard to relevant considerations, allowing the dictates of others instead of applying its own independent and judicious mind or delegates unless provided by law or surrenders its power to any other authority whether it is superior, equal or inferior to him."*

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> *Related to the rule against acting under dictation is that against unsanctioned delegation, derived from the maxim delegatus non potest delegare, which lays down that a delegate cannot further delegate the power to someone else. This is to ensure that when a specific person or body is given a statutory discretion, the discretion is exercised by that very person or body and not by someone else. In Muhammad Yusuf Ali Shah v. Federal Land Commission, Government of Pakistan, Rawalpindi and 2 others 1995 CLC 369 a learned Division Bench of the Lahore High Court articulated the principle as follows:*
>
> *"Before we proceed to deal with the contentions of the parties in regard to this point, we feel it necessary to state that it is a settled proposition of law that when a power is conferred on a particular person then that person can neither transfer its exercise to another person nor can exercise it without application of his mind to the facts and circumstances of that case. What is required, is that he has to exercise that power with application of his independent mind to the facts and circumstances of that case regardless any extraneous/dictative influence."*
>
> *16. Ergo, even in matters where the opinion of a recommendatory body is envisaged, the exercise of the statutory power ultimately remains that of the designated authority, and its decision is to necessarily be made for advancing the purposes of the statute, supported by valid reasons. In other words, if a statute expressly confers a statutory power on a particular body or authority or imposes a statutory duty on the same, then such power must be exercised or duty performed, as the case may be, by that very body or authority itself and none other. However, if the body or authority exercises the statutory power or performs the statutory duty acting at the behest, or on the dictate, of any other body or person, that would constitute an abdication of the statutory mandate and any decision taken on such basis would be contrary to law and liable to be quashed."*

35. In this context, it is necessary to observe that the Departmental Representative is not authorized by law to render findings and opinions upon the integrity, financial repute, or professional competence of officers being considered for promotion. His role in the capacity of the department's representative is limited to the extent recognized by the Promotion Rules 2019 i.e. informational. He may place factual material before the Board, but the assessment of that material and the conclusions to be drawn from it remain the exclusive prerogative of the Board itself. However, in Category A of petitions, the transgression by the Departmental Representative is explicit and unambiguous. In the case of Dr. Muhammad Akhtar Abbas *(W.P. No.*

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3643/2025) the Departmental Representative "expressed reservations about his integrity, behavioral issues and professional competence" which is a direct character assessment that bears no resemblance to any of the five permissible categories of disclosure under Schedule-VI. In the case of Mujahid Akbar Khan *(W.P. No. 4563/2025)* the Departmental Representative "shared that he is professionally weak, along with concerns regarding his behavior and financial integrity" which is again a personal evaluative opinion that the Representative had no authority to place before the Board. Similarly, in the case of Bilal Ahmed Butt *(W.P. No. 4587/2025)* the minutes record that the departmental representative "casted doubts on his integrity" and conveyed a "chequered history". This language is in terms the language of opinion and reputation and not of documentary disclosure. In each of these cases, the Departmental Representative did not merely inform but rather he opined, characterized, and, in doing so, usurped an evaluative function that the Promotion Rules 2019 reserve exclusively for the members of the CSB acting on the service record.

36. The infirmity is no less grave in the Category B petitions, and in two instances it is identically expressed. In the case of Arbab Qaiser Hamid *(W.P. No. 5543/2025)* and Dr. Nasir Khan *(W.P. No. 5544/2025)* the CSB minutes record that the Departmental Representative "apprised the Board about the general reputation of the officer vis-à-vis his integrity, professional competence and promotional potential to higher position." This formulation is more egregious than an isolated expression of doubt since it is a systematic usurpation of the evaluative function, in which the Departmental Representative purported to convey a holistic reputational assessment extending even to "promotional potential", a matter that falls squarely and exclusively within the Board's own domain of deliberation. This must be viewed with the fact that such input was thereafter acted upon by the Board in arriving at its conclusions of "average competence" and "questionable integrity" which renders the import of unlawful input in the entire decision-making process that the Promotion Rules 2019 neither contemplate nor permit. In the remaining petitions, which constitute the majority of the cases before this Court do not expressly quote the Departmental Representative's words, but record in terms that the Board deliberated "considering input/feedback from the departmental representatives on his

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financial integrity and professional competence." The phrase "input/feedback on financial integrity and professional competence" is itself a description of evaluative conduct since it is not the language of documentary disclosure. Financial integrity and professional competence are precisely the parameters on which the Board is required to exercise its own independent judgment, informed by the service record alone. The fact that the Departmental Representative was permitted to furnish "feedback" and that such feedback was evaluated by the Board and expressly relied upon in the reasons recorded for supersession or deferment, discloses an identical illegality to that identified in the cases where the Representative's words are directly quoted. The illegality does not become any less real by the mere fact that the precise words of the Representative are not reproduced verbatim in the minutes since the fact remains that irrelevant and extra-statutory evaluative input was received from a person not authorized to furnish it, and was acted upon by the Board in discharging a function that the Promotion Rules 2019 reserve to the CSB alone. The illegality, in short, is manifest in majority of the petitions in both categories without exception, and this Court is unable to countenance the results so produced. The structural and fundamental illegality in the Departmental Representative's conduct in all the cases is that Schedule-VI requires all material to be submitted in prescribed and authenticated forms prior to the meeting, constituting the evidentiary record before the Board and oral inputs tendered at the meeting that traverse the boundaries of those forms are inherently unverifiable, carry no documentary authentication, and afford the affected officer no opportunity whatsoever to know the case against him or to offer any rebuttal, which is a direct violation of *audi alteram partem*. Moreover, the same is in direct violation of the decision making since the Departmental Representative is not merely a functionary, rather he is an institutional voice capable of being influenced by departmental relationships and hierarchical loyalties. The Board, as a statutory body, exists precisely to transcend such influences and to bring independent collective judgment to bear upon the civil servants promotions.[7] The CSB is a creature of statute and of rules framed thereunder, and its authority to assess and determine the fitness of an officer for promotion exists only within the framework those

[7] *Muhammad Asad Islam Madni vs. Federation of Pakistan, W.P. No. 989 of 2025*

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rules prescribe; any departure from that framework in the reception of evidence or information strikes at the root of the Board's decision making process.

F. ABUSE OF DISCRETION

37. The second glaring illegality is the abuse of discretion which naturally correlates to irrationality[8], since when an administrative decision is bereft of any cogent, tangible, or record-based foundation, the same constitutes an abuse of discretion and is arbitrary if unsupported by reason. The jurisprudence governing administrative discretion makes it clear that a discretionary decision must rest upon rational reasons supported by evidence and directed to the statutory purpose; actions that fail to meet this threshold are regarded as arbitrary. In the case of ***Montgomery Flour and General Mills Ltd., Montgomery vs. The Director, Food Purchases, West Pakistani (PLD 1957 Lah, 914)*** the following was observed:-

> *"It should be remembered that no discretion vested in an executive officer is an absolute and arbitrary discretion. The discretion is vested in him for a public purpose and must be exercised for the attainment of that purpose. Even though there be no express words in the relevant legal provision to that effect, the discretion is always circumscribed by the scope and the object of the law that creates it and has at the same time to be exercised justly, fairly and reasonably."*

Similarly in ***Abid Hasan vs. PIAC, (2005 SCMR 25)*** the Court observed:-

> *"If the judicial administrative organs of the State while applying the law were to discriminate between man and man and exercise what may be characterized as arbitrary authority in singling out some persons for discriminatory treatment they would be acting counter to the ideal of equality before law which has been proclaimed by the framers of the Constitution in the first part of the clause of Article 5 an Article which declares that all citizens are equal before law. It would thus be noticed that notion of human equality had emerged as a reaction to abhorring artificial 'distinctions between man and man or between one class of men and another class based on consideration, inter alia, of personal likes and. dislikes -under the garb of discretion.*

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[8] *The ground of irrationality, as classically expounded by Lord Diplock in Council of Civil Service Unions v. Minister for the Civil Service [1985] AC 374, denotes a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it. This formulation is commonly denominated as Wednesbury unreasonableness, which originated from the celebrated English authority in Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation [(1947) 2 All ER 680], also cited as [1948] 1 KB 223.*

> *14. In his Treatise 'Discretionary Powers' which is Legal Study of Official Discretion D.J. Galligan has acknowledged that "the general principles that discretionary decisions should be made according to rational reasons means, (a) that there be findings of primary facts based on god evidence and (b) that decisions about the facts be made for reasons which serve the purposes of the statute in an intelligible and reasonable manner" According to the celebrated author, the actions which do not meet these threshold requirements are arbitrary, and may bee considered a misuse of powers. (Emphasis provided)."*

38. Where adverse assessments are recorded without reference to primary facts, and where acknowledged satisfactory service records are discarded without any articulated reason, the exercise of discretion crosses from lawful selectivity into the realm of arbitrariness. The respondents have not put forth any substantial ground or material/record that would show that such allegations are supported by any tangible material. It was laid down in the case of *Dr. Muhammad Arif*[9] and *Muhammad Zafeer Abbasi*[10] that the consideration of an officer for promotion is to be based not only on the relevant law and rules but also on some tangible material, which could be lawfully taken into consideration. Schedule IV limits the sources of objective assessment to the dossier, PERs, TERs, and documentary evidence. Allegations regarding integrity must therefore be supported by tangible material forming part of the service record. Where a member of the Board disagrees with the recorded ACRs of an officer, reasons supported by cogent material must be expressly recorded. A decision of a statutory Board must bear a rational nexus between the material available on record and the conclusion drawn therefrom. Rationality in administrative law is not satisfied by the mere existence of an opinion or perception, rather it requires that the opinion/perception be demonstrably founded upon relevant considerations and supported by discernible evidence. Allegations regarding integrity must therefore be supported by tangible material forming part of the service record. The use of the word 'repute' is itself signals that the finding rests on impression and hearsay rather than on any verifiable entry in the service record. Such a conclusion would amount to substituting evidence for speculation and objective evaluation for subjective suspicion. Similar view has been adopted

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[9] *Secretary Establishment Division vs. Dr. Muhammad Arif, (PLC (CS) Note 66)*
[10] *Muhammad Zafeer Abbasi vs. Government of Pakistan, (2003 PLC (C.S.) 503)*

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by the courts in numerous cases, in which the civil servants were considered for promotions. Moreover, it would offend the well-established maxim *nemo fit repente turpissimus* i.e. no one becomes dishonest all of a sudden. This maxim signifies that integrity, whether sound or tainted, reveals itself over time through a consistent course of conduct. An officer's dossier reflects a cumulative record of years of service, performance, and conduct. Such a comprehensive career profile cannot lawfully be nullified by a cryptic observation or personal impression since this would amount to arbitrariness. Even otherwise, if the integrity of an officer is genuinely in question, the natural and logical course available to the competent authority is to initiate disciplinary proceedings so that the matter may be adjudicated in accordance with the law. To use the same for not recommending the officer to the next grade while allowing him to continue in same reflects an exercise in which discretion is weaponized to momentarily portray a civil servant as an officer of doubtful integrity for the limited purpose of denying him his due progression in service, only for that supposed blemish to vanish thereafter without any formal inquiry or punishment. The absence of any such proceedings, despite a finding adverse enough to deny promotion, renders the action suspicious. The only reasonable inference that can be drawn is that such adverse remarks or assessments are nothing more than a colorable exercise of discretion.

39. It should be remembered that no discretion vested in an executive office is absolute and it is vested for a public purpose and must be exercised for the attainment of that purpose. Discretion in essence is the power given to a person with authority to choose two or more alternative, when each of the alternatives is lawful. However, when one of the alternatives is not lawful, there is no discretion to choose it even though, it may be chosen in practice. It essentially translates that discretion is limited to what is authorized, legal and within the effective limits of the officer's powers. As such, in the instant matter, it was discretion to be exercised within the prescribed formulaic assessment of Objective Assessment Form. The very nomenclature of "Objective Assessment" is indicative of a process that is material-based, record-oriented, and insulated from personal preferences. The Rules consciously bifurcate the evaluative process into two distinct stages i.e. a subjective assessment at the level of the

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Reporting Officer, who, by virtue of direct supervision, is best positioned to form qualitative judgments reflected in the PERs and an objective, quantitative assessment at the stage of promotion, to be undertaken by the Board on the basis of the recorded material. This legislative design is both rational and purposive, ensuring that personal impressions are confined to those best placed to form them, while the DSB operates within a structured and verifiable framework.

40. It is also manifest from the record that the CSB in multiple cases simultaneously recorded that the petitioners possessed acceptable Performance Evaluation Reports and Training Evaluation Reports, yet proceeded to record adverse observations on Integrity. These two propositions cannot coexist on any rational basis. A service record acknowledged to be acceptable cannot, without more, sustain a finding of the most adverse integrity categorization available under the framework. The Board offered no explanation for this incongruence and identified no departmental inquiry, no adverse entry in the Performance Evaluation Reports or Annual Confidential Reports, and no other verifiable material upon which the integrity finding could rest. The contradiction was recorded without acknowledgment and the conclusion was reached without justification. This is precisely the scenario condemned by the Court in the cases of *Tariq Aziz ud Din (Supra)* and in the reported judgment of this Court in W.P. No. 989 of 2025 titled "***Muhammad Asad Islam Madni vs. Federation of Pakistan, through Secretary Establishment Division and others"*** where it was held that consideration of an officer for promotion must be based not only on the relevant law and rules but on some tangible material relating to merit and eligibility which can be lawfully taken note of. The right to consideration, the Court declared, is neither illusory nor a perfunctory ritual. That declaration carries particular weight in the present context. Where an adverse finding on integrity is recorded in the complete absence of any substantiating material from the service dossier, the right to consideration has been reduced to precisely the kind of empty formality that the Supreme Court condemned. This falls squarely within the *Wednesbury* formulation of irrationality, being a conclusion so divorced from the material before the Board that no authority directing itself properly to the relevant considerations could have arrived at it. The simultaneous acceptance of two irreconcilable propositions, without any attempt to explain or

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resolve the contradiction between them, is the antithesis of rational decision making and abuse of discretion. The acknowledged satisfactory performance was simply set aside, without explanation and without reason. The only explanation that was afforded was "average competence".

41. With regards to competence, the same also appears to be based on unlawful and irrelevant consideration. Such an observation finds no reference to to the record and support from the record. The only inference that can be drawn is that the same is premised on upon hearsay, gossip, rumour, or the personal knowledge or impressions of Board members. The personal knowledge of an officer's competence is confined to the Reporting Officer, who records the PER. Members of the Promotion Board do not possess such personal knowledge. Consequently, the Rules restrict the Board to objective evaluation based solely upon PERs, TERs, and the dossier, while subjective assessment remains the exclusive domain of the Reporting Officer. Furthermore, the overriding effect accorded to alleged "impeccable/questionable integrity" and the reliance upon a solitary "Competence" grade mirrors the very mischief condemned in the Dr. Arif case. An officer's dossier reflects a cumulative record of years of service, performance, and conduct. Such a comprehensive career profile cannot lawfully be nullified by a cryptic observation or personal impression recorded without reference to material. Any such action amounts to arbitrariness and cannot be sustained. An administrative determination that is unsupported by material, unexplained in its divergence from the official record, and untraceable to any lawful source of information, is irrational because it lacks a logical foundation, fails the test of reasonableness, and renders the decision-making process arbitrary in substance as well as in form.

42. Furthermore, the grading of "Good" in PERs or TERs, by its very nature and design, is neither adverse nor disqualifying. A positive weightage is assigned to a "Good" grading, which acknowledges it as a satisfactory and creditable standard of performance. To convert a "Good" grading into a ground of supersession is to introduce, by implication, a disqualification which the rule-making authority has consciously refrained from prescribing. What is expressly recognized as meritorious cannot be treated by administrative fiat as a blemish since the express inclusion of "Good" within the graded framework necessarily

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excludes its treatment as an adverse factor. The maxim *omnia praesumuntur rite esse acta* presumes official acts to have been done rightly and where a reporting officer has consciously recorded "Good," the CSB cannot, without cogent basis, treat it as an implicit deficiency. The comparison of a "Good" grading against a "Very Good" or "Outstanding" standard, when undertaken in isolation and without comparative analysis among candidates, is irrational. It is one thing for the Board, after undertaking a comprehensive and comparative assessment of all eligible officers standing at par, to prefer those with superior aggregate merit. It is quite another to treat "Good" as inherently deficient simply because a higher grade exists in the grading spectrum. If "Good" is measured not against the merit of competing candidates but against an idealized and self-referential benchmark of "Very Good," the very purpose of graded evaluation is rendered illusory. Such reasoning would reduce the graded scale to a single operative benchmark, thereby nullifying the allocation of marks to intermediate grades and creating an inequitable standard where only the highest category becomes meaningful. Such an approach is arbitrary in substance, discriminatory in effect, and incompatible with the principles of structured and rational decision-making that govern promotion in public service. In these circumstances, the consideration by the CSB cannot, by any stretch of reasoning, be characterized as fair, lawful, or amounting to "meaningful consideration." Rather, it represents a mechanical and arbitrary exercise of power, devoid of transparency, objectivity, and adherence to statutory safeguards. Such a process, being fundamentally flawed, stands vitiated in law and is liable to be set aside.

G. PROCEDURAL IMPROPRIETY

43. Another aspect of meaningful consideration is whether the consideration is free from procedural impropriety which operates through two distinct but overlapping mechanisms. First is the failure to observe statutory procedural requirements such as communication of reasons and the same vitiates the Impugned Decisions since it is manifest from the record that there exists complete failure to communicate reasons to the superseded officers in the manner and to the extent prescribed by the statutory framework governing the promotion process. Schedule IV of the Promotion Rules 2019 prescribes a structured quantified framework comprising ten distinct attributes, each carrying

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a maximum of three marks and aggregating to a total of thirty marks, the evident legislative purpose of which is to structure and discipline the discretion reposed in the Selection Board, to ensure that the evaluation of each officer proceeds upon identifiable and objectively assessable criteria, and to guarantee that the process retains a character of fairness, transparency, and accountability that arbitrary or impressionistic assessments cannot provide. The following are the ten parameters given in Schedule-IV of the Promotion Rules 2019:

> *"i. Output and quality of work*
> *ii. Variety and relevance of experience*
> *iii. Professional expertise*
> *iv. Personality Profile*
> *v. Conduct, Discipline and Behavior*
> *vi. Leadership*
> *vii. Estimated Potential for Middle/Higher Management*
> *viii. Integrity / General reputation / Perception*
> *ix. Commitment to Public Service*
> *x. Teamwork"*

44. This structured framework is not ornamental but facilitates improvement for the civil servant. It is established beyond controversy that in all the cases before this Court, the petitioners were informed of an adverse assessment solely with reference to the attribute of integrity and general reputation, which carries a maximum of three marks out of the total of thirty prescribed by Schedule IV, while no reasons whatsoever were communicated to any of the petitioners concerning the remaining nine attributes aggregating to twenty-seven marks. This selective and fragmentary disclosure is not a technical deficiency susceptible of being overlooked or cured rather it is a substantive violation that strikes at the root of the statutory scheme and renders the entire process opaque, arbitrary, and legally unsustainable. The purpose of a quantified multi-attribute framework is precisely to prevent the reduction of a complex, career-long evaluation to a single conclusory label, and by confining their communication to a finding on integrity/reputation alone while maintaining silence on the remaining nine criteria. In essence the CSB reduced the statutory framework of thirty marks across ten attributes to a single adverse characterization, thereby defeating the very object for which the legislature constructed and prescribed that framework. It must be observed that where rules require an authority to assess and record performance against specified parameters, the obligation to

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communicate the outcome of that assessment to the person affected is not a matter of administrative grace or discretion but flows as a necessary legal consequence from the nature of the framework itself. A statutory scheme that requires graded assessment against defined criteria necessarily and axiomatically implies that the person subjected to that assessment must be informed of the findings made against each criterion, for without such communication the statutory framework becomes an instrument of concealment rather than a guarantee of fairness.

45. Moreover, the consequences of this failure extends beyond the immediate decisions under challenge and touch upon rights of a continuing and fundamental character. The purpose of communicating reasons against each of the prescribed attributes is that it serves the vital function of enabling a civil servant to know wherein he has been found wanting, to address those deficiencies in the conduct of his duties, and to improve his performance and standing with a view to his future promotional prospects. A civil servant who is informed only that he has been adversely assessed on integrity, while being kept entirely in the dark as to his assessed standing on output and quality of work, variety and relevance of experience, professional expertise, personality profile, conduct discipline and behavior, leadership, estimated potential for higher management, commitment to public service, and teamwork, is deprived not merely of the ability to challenge the decision that has been made against him but of the ability to transform or improve his professional conduct and development in a manner informed by the findings of the competent authority. This deprivation is particularly grave because the attributes prescribed by Schedule IV are not peripheral or ornamental to a civil servant's career rather they define the very dimensions along which professional growth is measured and along which the case for promotion is ultimately assessed. To withhold findings on these dimensions is to leave the civil servant in a condition of enforced ignorance with respect to his own standing in the service, unable to make good any deficiency of which he has not been informed, and thereby to render the statutory framework of structured grading to an opaque screen behind which adverse assessments may be made and withheld without consequence. Such an outcome is irreconcilable with the rule of law, with the fundamental right to a fair

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consideration, and with the specific mandate of the Promotion Rules 2019, and this Court is therefore bound to hold that the Impugned Decisions, being founded upon an assessment process from which statutory transparency was systematically withheld, cannot be sustained in law.

46. Furthermore, Section 24A of the GCA, 1897 stipulates that statutory power must be exercised reasonably, fairly, justly, and for advancement of the purpose of the enactment. The Superior Courts have dilated upon section 24 of GCA, 1897 and enunciated the principle that the executive authorities while exercising discretion must give reasons for its decision through a speaking order. The requirement to articulate reasons is neither a mere procedural formality nor an empty ritual; rather, it is a substantive safeguard designed to demonstrate that discretion has been exercised judiciously, objectively, and with due application of mind. Reasoned decision-making ensures that affected persons are apprised of the basis of the action taken, facilitates meaningful judicial review, and acts as a restraint against arbitrariness or caprice. Applying the facts of the instant matter to the test laid down by the Superior Courts essentially amounts to a blatant disregard of section 24 of the GCA, 1897. Hence, this Court is disinclined to treat any consideration as "meaningful" due to the failure to effectively record reasons which as stated above is meant to ensure fairness and transparency.

H. ENFORCED IGNORANCE

47. This Court turns next to another dimension of the matters that has received insufficient attention during submissions i.e. the right to timely reasons. The respondents appear to proceed upon the assumption that the communication of reasons is a bureaucratic step to be completed at some point, with its precise timing being of no particular legal consequence, however, that assumption is fundamentally erroneous. The delay in communicating reasons is not a matter of mere procedural formality rather a statutory requirement. Rule 23 of the Promotion Rules 2019 mandates:-

> *"**23. Communication of reasons of deferment and supersession.—** The civil servants deferred or superseded shall, immediately after the recommendations of the CSB, DSB and DPC have been approved by the respective appointing authority, invariably be informed about the reasons of their deferments and supersessions."*

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48. A bare perusal of rule 23 reflects that the said provision is mandatory in nature and the reasons have to be immediately provided after the same have been approved by the appointing authority. However, the time frame in which the reasons have been communicated to the petitioners can in no way be termed as immediate or reasonable. This must be viewed in conjunction with the fact that the purpose of communicating reasons for supersession/deferment is not only to ensure compliance with administrative fairness but rather it equally serves a substantive function, namely to enable the officer to understand wherein his performance, conduct, or record was found wanting, so that he may address those deficiencies in the period before the next promotional exercise. This remedial dimension of the right to reasons is not a procedural luxury and is integral to the officer's right to fair consideration in future promotional exercises and a delayed communication of reasons while it may satisfy the letter of this principle but defeats its spirit entirely.

49. In the present cases, the Board concluded its deliberations in March 2025 and the next sitting of the Board is expected approximately one year thereafter, the window available to an officer to identify and address shortcomings is, at its most generous, twelve months. When reasons are withheld for months of that window, communicated only in September or December 2025, the officer is deprived of half or more of the only remedial period available to him before he faces the same evaluative process once again. He does not know whether the criticism pertains to his annual performance reports, his general reputation within the service, some specific adverse entry, a disciplinary proceeding, or some other criterion applied by the Board. He is left in a state of enforced ignorance and speculation since he cannot purposefully orient his conduct, cannot address adverse material on his record, cannot demonstrate improvement in the areas the Board found deficient, and cannot request correction of any factual error that may have influenced the decision. The damage, by the time reasons are communicated, is therefore not merely past. It is ongoing and accumulating with each passing month of silence.

50. The consequences of this enforced ignorance compound further when the Board reconvenes. An officer who has spent six of his twelve remedial months unaware of the basis for his supersession arrives at the next promotional exercise

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having had, in practical terms, only half the opportunity to demonstrate improvement that the process presupposes. This is not a technical or abstract prejudice. The Board's own framework contemplates that officers are assessed across a defined period and that improvement is both possible and practical. To withhold reasons for half of that period is, in effect, to deny the officer the practical ability to participate meaningfully in his own professional improvement. It deprives him not only of the chance to improve his record but also of the chance to serve the public with the full awareness and directed purpose that knowledge of his shortcomings would have generated. An officer informed of his deficiencies in March will work differently, and the law may reasonably presume more effectively, than one left uninformed until September or December. The delay thus inflicts a dual injury, for it harms the officer's promotional prospects while simultaneously withholding from the public the benefit of an officer operating at his informed best. Here the maxim *commodum ex injuria sua nemo habere debet* (no one can take advantage of their own wrong) applies with particular force. The Board cannot, at the next promotional sitting, rely upon the officer's failure to demonstrate improvement during a period in which it was the Federation's fault that denied him the knowledge necessary to improve. To permit it to do so would be to allow an authority to derive advantage from the very wrong it committed, a result that is as inequitable in principle as it is impermissible in law.

51. The right to reasons is not an end in itself. It is the gateway to a set of substantive rights and practical remedies that can be exercised only if reasons are furnished in time. To reduce it to a formality and to treat it as a box to be ticked whenever convenient is to misunderstand its function entirely. The function is evident from the fact that the promotional exercise is a recurring one. The CSB on average meets approximately once in a year or two. An officer who is superseded at one sitting has, in principle, the opportunity to demonstrate improvement before the next. But that opportunity is not self-executing. It requires the officer to know what the Board found wanting. He must know whether the criticism goes to his performance reports, to a specific adverse entry, to a disciplinary matter, to a general assessment of his suitability, or to some other factor that the Board considered material. Without that knowledge, his

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effort to improve is directionless. He cannot address a deficiency he has not been told of. He cannot seek correction of an error he does not know exists. He cannot rebut an adverse finding he has not been shown. The period between successive sittings of the Board is, therefore, not merely a temporal interval, it is a remedial window, and its value is entirely dependent upon the officer knowing, at its commencement, what he is required to address. The months that passed in enforced ignorance cannot be restored. The improvement that might have been demonstrated cannot now be retrospectively attributed to a period during which the officer was kept in the dark. It is the loss of a defined, measurable, and irrecoverable period of time during which the officer, had he known the basis of his supersession, might have taken steps that would have materially altered his position at the next sitting of the Board. That loss cannot be undone by the belated supply of reasons.

52. Moreover, the consequences of this enforced ignorance do not exhaust themselves within the officer's individual career. They extend to the public he or she serves. An officer who is aware of the specific dimensions of his professional shortcomings will, as a matter of reasonable presumption, conduct himself and discharge his functions with a deliberateness and a directed purposefulness that an officer kept in ignorance cannot replicate. Equally, the overarching principle of *salus populi suprema lex* (the welfare of the people shall be the supreme law) reinforces this conclusion, for the welfare of the public is not served by a system that keeps its officers uninformed of their deficiencies and then measures them against a standard of improvement they were structurally prevented from meeting. The communication of reasons is a circumstance of substantive relevance and any delay is contrary to settled principles of fairness and transparency. In this regard, this Court has no hesitation in holding that the reasons must be communicated within 15 days after the approval from the competent authority.

I. LEGALITY OF DEFERMENT

53. The case of the petitioner/Dr. Mutahir Shah *(W.P. No. 2409/2025)* presents perhaps the starkest illustration of denial since no reasons have been communicated to him till date and the reasons have only been communicated through comments at a belated stage. The reasons recorded by the CSB for

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deferring the petitioner are set out in the minutes and are reproduced for ease of reference:-

> *"The Departmental Representative apprised the Board that the officer is being considered for the first time. He informed that the service record of the officer is complete in terms of PERs and declaration of assets. He shared that the officer is exempted from mandatory trainings being an officer of specialist cadre. The DR also apprised the Board about general reputation of the officer vis-a-vis his integrity, professional competence and promotion potential to higher position. The Board deliberated upon the service profile, PERs, general reputation and the additional information of the officer, inter alia, with reference to assessment of his professional conduct, integrity and other attributes mentioned in the Objective Assessment Form. A consensus emerged that the officer has mixed reputation vis-à-vis his professional competence and integrity: thus, there is a need to further watch the performance of the officer. The Board. therefore, decided to recommend the officer for deferment on performance watch till the next CSB in line with Rule 7(d) of the Civil Servants Promotion (BS- 18 10 BS-21) Rules, 2019."*

54. It is manifest from the record that the departmental representative confirmed that the seniority list as available with the proposal is not *sub judice* and no issue related to it is pending. Moreover, the departmental representative apprised that no other issue restrains the consideration of the proposal. Thereafter, the CSB considered the case of the officer and after discussion recommended the petitioner for deferment due to a mixed reputation of his professional competence and integrity. It is also apparent from the minutes that the Departmental Representative transgressed the boundaries of Schedule-VI by apprising the Board about the "general reputation of the officer vis-à-vis his integrity, professional competence and promotion potential to higher position", which is an evaluative function that, for the reasons elaborated in the preceding paragraphs, was not his to perform. This infirmity, standing alone, suffices to vitiate the process. However, the infirmity in this case does not end there, and the case presents two further and independent grounds on which the deferment cannot be sustained. The first concerns the legal architecture of rule 7(d) of the Promotion Rules 2019 under which the petitioner was deferred. The question that now arises is whether the petitioner's deferment by CSB on performance watch under rule 7(d) withstands the test of rationality and procedural propriety. For ease rule 7(d) is reproduced below:-

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> *"7. **Conditions for deferment.** — On consideration for promotion in order of seniority, a civil servant shall be recommended for deferment, if—*
> *(d) the CSB, DSB or DPC wants to further watch performance of the officer for any reason to be recorded in writing:*
> *Provided that period of performance to be watched under this clause shall not exceed twelve months;"*

55. A perusal of the rule above reflects that it bestows a broad latitude of power on the CSB to defer a civil servant if it wants to watch the performance of the civil servant. The proviso appended to the clause further circumscribes this discretion by prescribing a definitive outer limit. It stipulates that the period for which the officer's performance may be watched shall not exceed twelve months. It is intended to be a temporary and reasoned measure, aimed at facilitating a final and fair assessment within a fixed timeframe, and not a device to indefinitely postpone or arbitrarily withhold promotion. However, the effect of the main provision is that such opinion must not remain subjective or unarticulated as the rule expressly mandates that the reasons necessitating further watch be recorded in writing, thereby ensuring transparency and enabling subsequent scrutiny. In the present case the sole substantive ground recorded by the Board is a "mixed reputation vis-à-vis his professional competence and integrity." However, no specific deficiency in the service record is identified, no adverse entry, no disciplinary proceeding, no penalty, and no finding referable to any documentable fact is cited. The expression "mixed reputation" is, in terms, the language of general impression and hearsay and the very kind of material that a requirement of written reasons is designed to exclude from the decision-making process. A statutory obligation to record reasons is not discharged by recording the conclusion that reputation is mixed rather it is discharged by recording the material from which the conclusion is drawn since the former is assertion and the latter is reasoning. Rule 7(d) requires the latter, and the minutes disclose only the former.

56. Secondly, this must be viewed in conjunction with the fact that a panel of only one officer from BS-19 *(i.e. the petitioner who was the senior most)* was placed before the CSB for consideration to the promotion to the post of Joint Executive Director. This is not a case where the Board made a comparative selection from a field of candidates and found others more meritorious since

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there was no field. There was one officer, one vacancy, and a direction from the Federal Service Tribunal requiring his consideration. In this context, a deferment amounts, in practical effect, to a denial of promotion that the Tribunal had directed to be given fair consideration, achieved not through any finding of ineligibility or specific disqualification, but through the invocation of a general and unsubstantiated reputational impression. The right to reasons is not an end in itself rather it is the gateway to a set of substantive rights and practical remedies that can be exercised only if reasons are furnished with specificity and in time. The consequences of this enforced ignorance do not, moreover, exhaust themselves within the officer's individual career. They extend to the public he serves. An officer who is aware of the specific dimensions of his professional shortcomings will, as a matter of reasonable presumption, conduct himself with a directed purposefulness that an officer kept in ignorance of the Board's concerns cannot replicate. In this regard, this Court has no hesitation in holding that where a deferment is ordered under rule 7(d), the reasons recorded in writing must be communicated to the officer within fifteen days of the approval of the competent authority and must contain reference to all ten parameters enumerated in Schedule-IV, so that the remedial window between successive sittings of the Board is not rendered illusory. In the case of Dr. Mutahir Shah, no such communication was made, no specific deficiency was identified, and the deferment rested on nothing more than a reputational impression conveyed through an unauthorized channel. The Impugned Deferment accordingly cannot be sustained and is set aside.

J. CORAM NON JUDICE

57. This Court shall now address the third question framed i.e. *whether the proceedings of CSB* are *coram non judice*. The learned counsels for the petitioners in writ petitions No. 1221, 4563, 1286 of 2025 contended that the absence of two co-opted notified members of the Board from the proceedings of the CSB renders the proceedings *coram non judice*. However, no meaningful assistance was rendered in this behalf and even otherwise this argument is devoid of merit. Having examined the said record with due care, this Court is satisfied that the language of the applicable rules, read in its plain and natural sense, does not postulate or require any specific quorum as a condition precedent for the

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proceedings of the CSB. The Promotion Rules 2019 do not prescribe any minimum numerical requirement for a valid meeting and the omission of any quorum requirement in the Promotion Rules 2019 reflects a deliberate legislative choice since it ensures continuity of administrative processes and prevents disruption due to the absence of any member. Moreover, the determination of the institutional composition of consultative or advisory process is, in the first instance, a matter of administrative design falling within the policy domain of the Establishment Division with the approval of Prime Minister, so long as the exercise remains within law and is not arbitrary, or *mala fide,* the same is lawful. Moreover, the framework, in which the Prime Minister acts as the appointing authority and approves the composition of the Board is significant. It would be contrary to administrative reality to presume that the Prime Minister would deliberately approve the recommendations of CSB which comprised of an incomplete quorum. The Prime Minister in his capacity as appointing authority was fully aware that the said individuals were not in the meeting since these individuals belonged to Baluchistan and could not be part of the proceedings due to the incident of *Jaffar Express* on 11.03.2025 meaning thereby that the Prime Minister authorized the CSB to continue with the consideration. The governing principle in relation to implied authorization and approval is well-established in law i.e. the authorizing authority must be fully cognizant of and fully informed regarding the acts performed in its name and on its behalf, and the legal and practical consequences of such acts must be attributable to and borne by such authority. The challenge to the legality of quorum is therefore repelled.

58. There is a further contention advanced on behalf of the petitioners belonging to the Police Service of Pakistan that warrants separate consideration. In the specific instance of these three petitions, the civil servants are officers of the Police Service of Pakistan, and for the consideration of PSP officers, the serving Inspectors General of all provinces were specifically co-opted onto the Board. The learned counsel for the petitioners urged that the presence of the Inspector General of Balochistan was essential for a fair, informed, and meaningful evaluation of the petitioners, inasmuch as the provincial IG was directly acquainted with their service records, performance, and professional conduct; and that his absence deprived the Board of critical input, resulting in an

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incomplete and, by implication, a prejudiced assessment of their cases. However, this contention is legally untenable.

59. The function of the Central Selection Board is an evaluative one, but it is an evaluation grounded in, and circumscribed by, the record. The Board is required to assess the officers on the basis of their dossiers, Performance Evaluation Reports, Training Evaluation Reports, quantification scores, and other documentable and formally verifiable criteria that constitute the service record. The deliberative process of the Board is, by design, an exercise of the application of structured judgment on the basis of objective material and not a forum for the receipt of personal impressions, individual knowledge, or subjective assessments derived from private acquaintance. The argument that the Board was deprived of "critical input" by the Inspector General's absence necessarily implies that what the Inspector General would have contributed was something beyond and outside the record i.e. some personal knowledge or private assessment that the record itself does not contain. But that, paradoxically, is precisely the kind of input that the law does not permit to be acted upon and this argument cuts both ways. To allow a member of the Board to exercise discretion on the basis of personal knowledge alien to the record is to open the door to the very arbitrariness and unfettered discretion that the structured quantification framework of the Promotion Rules 2019 is designed to foreclose.

60. However, the above is not to be read as a diminution of the institutional wisdom and value that a co-opted member and in particular, the Inspector General of the relevant province brings to the deliberations of the Board. Since the co-option of the serving Inspectors General was not a formality or a ceremonial gesture rather it is a considered administrative design, reflecting the recognition that officers of a specialized service such as the Police Service of Pakistan operate within a distinct professional environment, and that those who have directly superintended their functioning in the field are better placed to contextualize their service record than those who have not. The presence of the Inspector General adds a layer of institutional knowledge to the Board's deliberations that is, in principle, valuable and desirable. The input of his knowledge does not necessarily mean that the Board acts on it rather it is meant to supplement and highlight the record and ensure that the record reflects it. The

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distinction, however, is between the desirability of a member's presence and the legal indispensability of it. A co-opted member whose presence enriches the quality of deliberation is not, by that reason alone, a member without whom the Board is constitutionally or legally incompetent to proceed. The Promotion Rules 2019 prescribe no quorum, and the legal threshold for valid proceedings is therefore met by the constitution and notification of the Board, not by the attendance of every member so notified. The Court's jurisdiction in judicial review extends to what is legally mandatory and no what is desirable. The argument that if the Inspector General's input, had it been provided on the record would have produced a different outcome in these three petitions is a matter of conjecture but what is not conjecture is that his absence, in the legal framework governing these proceedings, does not render them *coram non judice.* This must be viewed with the lens that his unavoidable absence was occasioned, as the record discloses, by the tragic incident of the Jaffar Express on 11.03.2025 and while the continuation of the CSB's meeting in his absence may be perhaps unwise, but it does not cross the threshold of illegality. Thus, this argument is without merit. Even otherwise, the non-promotion of the petitioners in these three petitions is not in accordance with the law on the grounds of illegality, abuse of discretion and procedural impropriety and have been dealt above.

61. In view of the foregoing discussion, these petitions are ***allowed***. The Impugned Decisions are ***set aside***.

62. The cases of the petitioners for promotion shall be considered afresh with effect from the date of the Impugned Decisions, strictly in accordance with the law and the following directions:-

i. *The CSB shall undertake the assessment of the petitioners afresh strictly as per the Promotion Rules 2019.*

ii. *The CSB shall conduct the assessment in terms of Schedule-IV of the Promotion Rules 2019. Each member shall independently evaluate every eligible officer against the ten specified attributes on the basis of the parameters and sources expressly provided in the Rules, and shall record such evaluation on the prescribed proforma.*

iii. *The CSB shall confine itself to the sources of information enumerated in the Promotion Rules 2019 and shall not rely upon any extraneous material, personal knowledge, or views of departmental representatives beyond what is expressly permitted under the Rules (including Schedule-VI, where applicable).*

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iv. If any of the members of the CSB negatively perceive the integrity of the petitioners, they must specifically record as to why they are not satisfied with the same with specific reference to the material, which contradicts the dossier and TER/PER of the petitioners.

v. In case of deferment or supersession of the petitioners, the CSB shall record clear, specific and candid reasons with reference to the ten specified attributes in Schedule-IV, so as to reflect the factors that weighed with it and to enable meaningful reconsideration under the Promotion Rules 2019.

vi. The reasons shall be communicated to the petitioners within 15 days of approval by the competent authority.

(INAAM AMEEN MINHAS)
JUDGE

ANNOUNCED IN OPEN COURT ON 30.04.2026.

JUDGE

APPROVED FOR REPORTING

M. YAHYA KHAN NIAZI, L.C.

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