JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

I.C.A. No.358 of 2025

Munawar Manzoor Ahsan

Versus

Oil and Gas Development Company through its M.D.

Appellant by:	Mr. Khan Mulk Tarar, Advocate.
Respondent by:	Mr. Khurram M. Hashmi, Advocate.
Date of Hearing:	10.09.2026

INAAM AMEEN MINHAS, J.:- Through the instant intra Court appeal, the appellant, Munawar Manzoor Ahsan, has called in question the order dated 04.09.2025 passed by the learned Judge-in-Chambers, whereby writ petition No.2932/2025 filed by the petitioner, was dismissed in *limine*.

2. Learned counsel for the appellant, after narrating the facts leading to the filing of the present appeal, submitted that the impugned order suffers from gross illegality and is founded upon misapplication of law, misappreciation of the facts and disregard of the settled judicial precedents of the superior Courts; that the learned Judge-in-Chambers erred in law and on facts by failing to appreciate that the appellant had been duly considered and recommended by the competent authority for promotion to the post of Chief Material Officer (Technical), EG-VI; that the plea regarding non-availability of a vacancy against the post in question is misconceived, contrary to the record and unsupported by any cogent justification; and that the learned Judge-in-

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Chambers failed to appreciate the relevant service record and the applicable rules governing the appellant's promotion.

3. Learned counsel further submitted that, having been duly considered and recommended by the competent forum, the appellant had a legitimate expectation of being dealt with in accordance with the applicable service rules and policy; that the respondents failed to demonstrate any lawful basis for withholding his promotion; and that the learned Judge-in-Chambers, while dismissing the writ petition in limine, failed to examine the legality of the respondents' decision-making process and the material placed on record. He therefore prayed that the impugned order be set aside and the appeal be allowed in terms of the relief sought therein.

4. On the other hand, learned counsel for the respondent opposed the instant appeal and contended that the OGDCL Service Regulations, 1994 contain no provision permitting or authorizing ante-dated promotion; that no vacancy was available against the post in question in the respondent-Company against which the appellant could have been accommodated; that the appellant's recommendation for promotion, by itself, did not confer any vested right to promotion in the absence of an available sanctioned vacancy; that the competent authority is required to act within the framework of the applicable service regulations and cannot grant promotion in derogation thereof; that the appellant's claim was, therefore, misconceived and legally unsustainable; and that the learned Judge-in-Chambers had rightly appreciated the facts and applicable law while dismissing the writ petition in limine. It was further contended that the impugned order is based

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on sound legal reasoning, calls for no interference in the appellate jurisdiction of this Court, and that the instant appeal, being devoid of merit, is liable to be dismissed.

5. We have heard the learned counsel for the parties and have perused the record with their able assistance.

6. The controversy essentially concerns the appellant's claim for ante-dated promotion to the post of Chief Material Officer (Technical), EG-VI, with effect from 01.12.2016. The appellant, being senior-most in the Drilling Material Planning Department, relies upon the Working Paper dated 04.10.2016, whereby his case was recommended for promotion on the basis of seniority, performance, disciplinary clearance, qualifications and experience. His grievance is that the Departmental Promotion Committee (**"DPC"**) was not convened before the subsequent organizational restructuring, pursuant to which the post was stated to have been removed from the organizational hierarchy.

7. Earlier, in W.P. No.1084/2021 filed by the petitioner, this Court, vide order dated 16.01.2025, directed that the appellant's case be placed before the DPC for consideration in light of the recommendations dated 04.10.2016 and the relevant record of 2016. Pursuant thereto, the department reconsidered the matter and, vide order dated 14.07.2025, concluded that only two sanctioned posts of Chief Material Officer (Technical) existed under the organogram dated 20.04.2015 and both were occupied as on 01.12.2016. The appellant had meanwhile retired on 30.09.2023.

8. Upon independent examination, we find no reason to differ with the learned Single Judge. The principal question is whether

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the Oil and Gas Development Corporation Employees (Service) Regulations, 1994 (**"the 1994 Regulations"**) contain any provision enabling ante-dated or *pro forma* promotion, particularly after retirement. We find none. The legal status of the 1994 Regulations is well settled. The august Supreme Court, in its **judgment dated 17.11.2009 in Civil Petition No.1359 of 2009 and connected matter,** held that employees transferred to OGDCL continued to be governed by the 1994 Regulations. It gained a legal status or authority greater than that given to ordinary laws passed by the legislature. The same position was reaffirmed in the case of **Noor Alam versus Secretary, Ministry of Petroleum and Natural Resources, decided on 25.06.2012 in Civil Petitions Nos.147 and 152 of 2012**. The appellant's claim must, therefore, be determined within the framework of these Regulations.

9. It is settled that eligibility for consideration does not create a vested right to promotion. A departmental Working Paper or recommendation is not an order of promotion and cannot substitute the statutory process. Promotion remains subject to the prescribed requirements, including availability of a vacancy and fulfillment of the applicable criteria. This principle is reinforced by the case titled **"Taj Mohammad, Chief Internal Auditor versus Oil and Gas Development Company Limited and others, reported as 2022 PLC (CS) 712"**, wherein this Court held that completion of the requisite period of service merely makes an employee eligible for consideration and does not, by itself, confer a right to ante-dated promotion. This Court cannot take a view different from the one already taken by it.

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10. We have carefully examined the 1994 Regulations and find no provision analogous to those statutory provisions under which a retired civil servant may, in appropriate circumstances, be granted *pro forma* promotion with retrospective effect. The absence of such an enabling provision is decisive. In exercise of jurisdiction under Article 199 of the Constitution, the Court may enforce an existing legal right or compel performance of a lawful duty, but cannot create a substantive service entitlement which the governing Regulations do not recognize. The same principle was considered by the august Supreme Court in OGDCL litigation concerning *pro forma* promotion after retirement, wherein, upon examination of the 1994 Regulations, it was held that in the absence of an enabling provision, the High Court could not direct OGDCL to consider a retired employee for promotion post-retirement. The principle squarely applies to the present case.

11. The judgment dated 16.01.2025 passed by this Court in writ petition No.1084/2021 also does not advance the appellant's case beyond directing consideration of his claim. It neither conferred promotion upon him nor declared him promoted with effect from 01.12.2016. The department was required to reconsider his claim in accordance with the governing Regulations; the earlier judgment of this Court did not dispense with the statutory prerequisites of promotion or predetermine the outcome.

12. The record further establishes that the appellant's case was reconsidered and the department recorded its finding regarding non-availability of a promotional vacancy on the relevant date. No jurisdictional defect, disregard of a mandatory requirement, mala

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fide, perversity or reliance upon extraneous considerations has been demonstrated so as to warrant interference in constitutional jurisdiction. The appellant's reliance upon seniority, the Working Paper and the alleged availability of sanctioned posts cannot alter this position. A sanctioned post does not, by itself, confer an enforceable right to promotion, nor does a departmental recommendation amount to a final order of promotion.

13. In sequel to what has been discussed above, we are satisfied that the learned Single Judge correctly appreciated the governing legal framework and rightly declined the relief claimed. The appellant has failed to identify any provision of the 1994 Regulations conferring a right to ante-dated or *pro forma* promotion in the circumstances of the present case. The foundational legal basis for the relief sought is, therefore, absent. The judgment under appeal discloses no error of law or jurisdiction warranting interference in the intra-court appellate jurisdiction. Consequently, the instant appeal being meritless, is hereby **dismissed.**

(SHAHRUKH ARJUMAND)
JUDGE

(INAAM AMEEN MINHAS)
JUDGE

ANNOUNCED IN AN OPEN COURT ON 21.09.2026

JUDGE **JUDGE**

*Sanaullah***

APPROVED FOR REPORTING

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