Form No: HCJD/C-121

JUDGEMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

Writ Petition No.4261 of 2025

Dr. Muhammad Akhtar Abbas Khan

Versus

Establishment Division through its Secretary, Government of Pakistan, Islamabad and others

PETITIONER BY:	Mr. Muhammad Ramzan Khan, Advocate
RESPONDENTS BY:	Mr. Fahad Khan Tareen, Assistant Attorney General. Mr. M. Shafiq ur Rehman Dab, Advocate for Respondent No.4. Hafiz Bilal Bin Akbar, Deputy Director (Legal), DRAP Syed M. Ghazanfar, Advocate for respondent No.5 Mr. Asif Sohail, DG (Litigation) M/o NHS,R&C, Islamabad Syed Salah Uddin Ahmed , Joint Secretary (Admin & Finance), M/o NHSR&C. Mr. Muzamil Shah, A.D Legal, Health Services Mr. Shoaib Raza, S.O, Mr. Muhammad Osman Shakir, S.O and Mr. Mansoor Ahmed, Superintendent, Establishment Division.
DATE OF HEARING:	07.10.2026

AYYAZ SHAUKAT, J:- Through the instant petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (the **"Constitution"**), the petitioner, who serves as Deputy Director General/Additional Director (BS-19) in the Drug Regulatory Authority of Pakistan **("DRAP")**, assails his supersession by the Central Selection Board (the **"Board"**) at its meeting held from 11 to 14 March 2025. He also impugns the promotion of respondent No.5, who was junior to him, to the post of Drug Controller/Director (BS-20), and prays for a direction that he be considered for promotion to BS-20, together with consequential benefits.

2. The facts, briefly stated, are that the petitioner joined service as Assistant Drug Controller (BS-17) on 27.03.2001 through the Federal Public

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Service Commission. He was promoted to BS-18 on 16.02.2005 and to BS-19 in August 2022. Upon the establishment of DRAP, he opted to remain a civil servant. Two posts of Drug Controller/Director (BS-20) fell vacant in the promotion quota. The Ministry of National Health Services, Regulations and Coordination (the **"Ministry"**), vide Office Memorandum dated 27.02.2025, forwarded a panel of five BS-19 officers for consideration by the Board. The petitioner was placed at serial No.1 of the panel, and respondent No.5 at serial No.5. The Board recommended respondent No.5 for promotion, having awarded him 70.81 marks, and deferred three officers. The petitioner, however, was recommended for supersession under rule 8(a) of the Civil Servants Promotion (BS-18 to BS-21) Rules, 2019 (the **"Rules of 2019"**), as his aggregate of 61.72 marks fell short of the prescribed threshold of 70 marks. Of these, 41.72 marks were attributable to his Performance Evaluation Reports **("PERs")** and 20 out of 50 marks were awarded by the Board. One vacancy remained unfilled. With the approval of the Prime Minister, respondent No.5 was promoted vide notification dated 16.05.2025. The petitioner sought the decision in his case, along with the reasons, on 19.05.2025 and again on 24.07.2025. The extract of the minutes was communicated to him by DRAP on 30.09.2025, and the present petition was filed on 20.10.2025.

3. Learned counsel for the petitioner contends that the petitioner, being the senior-most officer on the panel with PERs graded Very Good and Outstanding, and with no adverse remark, penalty or inquiry against him, was superseded on the strength of an oral and undisclosed opinion regarding his reputation, which was never put to him; that the reasons for supersession were not communicated immediately, as mandated by rule 23 of the Rules of 2019; and that the impugned action offends Articles 4, 10-A and 25 of the Constitution. He further submits that respondent No.5 was promoted despite an incomplete record and a conflict of interest.

4. Conversely, learned Assistant General and learned counsels for respondent Nos.4 & 5 contend that the petition is barred by Article 212 of the Constitution; that it is premature; that the petitioner failed to avail the

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departmental remedy; that promotion is not a vested right; and that the determination of fitness for promotion lies within the exclusive domain of the Board, which is competent to consider information beyond the service record, including intelligence reports. In support, they place reliance on *Government of Pakistan through Establishment Division v. Hameed Akhtar Niazi* (PLD 2003 SC 110), *Secretary Establishment Division, Government of Pakistan, Islamabad v. Aftab Ahmed Manika and others* (2015 SCMR 1006) and *Sikandar Hayat Maken v. Federation of Pakistan through Secretary Establishment Division, Government of Pakistan and others* (2021 PLC (C.S.) 1450). Learned counsel for respondent No.5 further submits that respondent No.5's promotion bears no nexus with the supersession of the petitioner, as two posts were available, one of which still remains vacant, and that the allegations levelled against him involve disputed questions of fact.

5. I have heard the learned counsel for the parties, learned Assistant Attorney General and have perused the record with their assistance.

6. The objection to maintainability is misconceived. Under section 4(1)(b) of the Service Tribunals Act, 1973, no appeal lies to the Service Tribunal against a decision determining the fitness of a person to be promoted to a higher grade. In Aftab Ahmed Manika (supra), upon which the respondents themselves rely, the Hon'ble Supreme Court held that the bar contained in Article 212(2) of the Constitution consequently does not extend to such matters, and that the constitutional jurisdiction of the High Court remains unimpaired. *Muhammad Hassanullah v. Chief Secretary, Government of Balochistan, Quetta and another* (2025 SCMR 134), cited by the respondents, pertained to transfer and posting and is therefore inapplicable. Likewise, the proviso to section 22(2) of the Civil Servants Act, 1973 bars a departmental representation against a decision on fitness, as the Establishment Division has itself pleaded. The petitioner cannot be relegated to a remedy which the law does not provide. Furthermore, both the notification and the minutes had been issued before the petition was filed, and the case rests entirely on documents placed on record by the respondents themselves; the plea of

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prematurity is, therefore, without substance. The petition is accordingly maintainable.

7. This brings me to the merits. The post in BS-20 under consideration is a selection post and, under section 9(2)(a) of the Civil Servants Act, 1973, is made on merit upon the recommendation of the Board. The assessment of fitness rests with the Board and the competent authority, and this Court, in the exercise of its constitutional jurisdiction, does not sit in appeal over that assessment nor substitute its own opinion for that of the Board. That principle was reaffirmed by a Division Bench of this Court in Sikandar Hayat Maken (supra), and it is consistent with the dictum of the august Supreme Court in Hameed Akhtar Niazi (supra) that no civil servant can claim promotion to a selection post as of right. However, the right to be considered for promotion is distinct from a right to promotion. The former is a right which the law recognises and enforces. Its content was explained by the Hon'ble Supreme Court in *Tariq Azizud-Din and others: in re* (2010 SCMR 1301) in the following terms:

> *"34. ... No doubt petitioners/affectee officers had no right to be promoted yet in accordance with section 9 of the CSA, 1973, they were, at least, entitled to be considered for promotion. The right contemplated under section 9 supra is neither illusionary nor a perfunctory ritual and withholding of promotion of an officer is a major penalty in accordance with the Civil Servants (Efficiency and Disciplinary) Rules, 1973, therefore, consideration of an officer for promotion is to be based not only on the relevant law and the rules but also to be based on some tangible material relating to merit and eligibility which can be lawfully taken note of. According to Article 4 of the Constitution the word "law" is of wider import and in itself mandatorily cast the duty upon every public functionary to act in the matter justly, fairly and without arbitrariness."*

The principle was restated in *Federation of Pakistan through Secretary Establishment Division, Islamabad and another v. Misri Ladhani and others* (2023 SCMR 915), where the Hon'ble Supreme Court held that "*Nobody has a vested right to promotion but entitled to be considered evenhandedly and fairly for promotion in accordance with the rule and the terms and conditions of service conferring right of actual promotion or a right to be considered for*

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promotion". The Hon'ble Supreme Court has likewise held, in *Orya Maqbool Abbasi v. Federation of Pakistan* (2014 SCMR 817), that although promotion is not a right, a civil servant who fulfils the eligibility criteria is entitled to have his case considered strictly in accordance with those criteria, and that the deferment of such an officer cannot be arbitrary or unsupported by his service record. In Sikandar Hayat Maken (supra) itself, the presumption of regularity attached to the proceedings of the Board was held to yield where arbitrariness or unfairness is apparent and floats on the surface of the record. The question before this Court is, therefore, a narrow one: whether the adverse opinion recorded against the petitioner is supported by identifiable material lawfully considered under the Rules of 2019.

8. The Rules of 2019 were framed after the judgment of the august Supreme Court in *Federation of Pakistan through Secretary, Establishment Division and others v. Dr. Muhammad Arif and others* (2017 SCMR 969). In that case, the Hon'ble Supreme Court found that the earlier promotion process had drifted away from the service dossier and had placed reliance *"on undefined personal opinion, and that too without qualifying it with the necessity of being based on any tangible evidence/material"*. Under rule 18(3)(c) of the Rules of 2019, the objective assessment form set out in Schedule-IV is placed before the Board along with the panel proforma of every officer, and under rule 18(3)(d) the Board is to apply its collective judgment "as per parameters given in the objective assessment form". Schedule-IV prescribes the source for each attribute. For the attribute in issue here, it provides:

> *"Integrity/General Reputation/Perception Professional Ethics/Conduct; On the basis of PERs/TERs/Opinion of the Board primarily based on the dossier/documentary evidence*."

The remaining attributes are likewise to be assessed on the basis of the dossier, the PERs, the training reports and the career profile. The opinion of the Board on integrity is, therefore, not a free-standing impression; it must be founded primarily on the dossier and on documentary evidence. Any other

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construction would revive the very vice which the Supreme Court condemned in Dr. Muhammad Arif (supra).

9. With this framework in view, I have examined the record. The service record relied upon is not confined to the petitioner's assertions; it forms part of the promotion proposal which the Ministry itself transmitted to the Board, and which the Ministry and DRAP have placed on record along with their comments. The panel proforma, prepared and signed by the Director (Admin, HR & Logistics) of DRAP and the Joint Secretary (Admin & Finance) of the Ministry, reflects five Very Good and one Good PER in BS-17; three Outstanding, nine Very Good and four Good PERs in BS-18; and one Outstanding and two Very Good PERs in BS-19. There is not a single Average or Below Average report, and against the columns relating to penalties, average remarks and adverse reports, the entry is nil. The petitioner holds the degrees of Doctor of Pharmacy, M.Phil and Ph.D. in Public Health, and a postgraduate certificate in human resources for health management from Queen Margaret University, Edinburgh. His service history card records training conducted by the World Health Organization and the United States Pharmacopeia, as well as several research publications in the field of pharmacovigilance and medicines policy. He has filed his declarations of assets and has sworn that no case is pending against him before any agency. None of this is disputed; indeed, in paragraph 4 of their comments, the Ministry and DRAP have themselves set out his qualifications and PERs in identical terms.

10. The synopsis of his PERs, forwarded by the Ministry along with the proposal, further supports his contention. In every PER from 2016 to 2024, his integrity was graded Very Good or described in terms of praise. For 2017 and 2018, the reporting officer recorded: "He is moral, upright & honest." The countersigning officer for 2017, the then Chief Executive Officer of DRAP, wrote that the petitioner "is an upright, hardworking officer, professionally sound and knowledgeable in various technical field". The countersigning officer for 2018, who was also the Chief Executive Officer of DRAP, recorded that he had known the capability of the officer since he joined the Ministry of

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Health, and recommended him "for promotion strongly on the basis of professional capability of the officer". For 2022, he was described as a "Straightforward and trustworthy officer" who "Performed well both in normal and extra-ordinary situation". For 2023, he earned an Outstanding PER and was described as "Hard working, straightforward and trustworthy". For 2024, the last year before the Board met, the reporting officer described him as a "Reliable, trustworthy & very professional officer" who "Works well under pressure"; that PER was countersigned by the Special Secretary of the Ministry, who concurred with the assessment. It was this very Ministry that forwarded the case of the petitioner to the Board.

11. The department has also reposed trust in the petitioner by entrusting him with higher responsibilities. By office orders dated 27.09.2022, 18.05.2023, 23.08.2023, 06.03.2024 and 06.06.2024, and notification dated 06.01.2023, the Chief Executive Officer of DRAP placed him in current charge of the post of Director (Drug Licensing), a BS-20 post, in addition to his own duties. His service history card records that he served as Director Licensing and Chairman of the Central Licensing Board on a current-charge basis from 27.09.2022 to 08.08.2024, and that he held additional assignments as Registrar of the National Council for Homeopathy and Secretary of the Pharmacy Council of Pakistan. Even after his supersession, DRAP, by office order dated 24.09.2025, placed him in current charge of the post of Director (Pharmacy Services Division), as DRAP has admitted in paragraph 27 of its comments. These assignments are relevant to the consistency of the departmental assessment, although they do not, by themselves, establish fitness for regular promotion.

12. Against this backdrop, the extract of the minutes of the Board, recorded under Table-III (the "Officer Recommended for Supersession"), reads as follows:

> "*The Departmental Representative apprised 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*

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officer of specialist cadre. He also apprised the Board about general reputation of the officer vis-à-vis his integrity, professional competence and promotion potential to higher position.

The Board deliberated upon the service profile, PERs and general perception of the officer regarding professional conduct, integrity and other attributes mentioned in the Objective Assessment Form. The Board noted that the officer carried a mixed reputation regarding his integrity and professional competence. Moreover, the DR also informed that the officer carries a repute of incompetence and questionable integrity. The additional information placed before the Board also corroborated the questionable reputation of the officer. A consensus emerged that the officer is reputed to be of an average competence and peccable [sic] 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.

...

After detailed deliberations covering all the aspect of the officer's performance, the Board arrived at the conclusion that Dr. Muhammad Akhtar Abbas 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. The Board awarded 20 out of 50 marks to Dr. Muhammad Akhtar Abbas Khan; thereby, placing him in Category-B."

13. The minutes show that the departmental representative first apprised the Board that the service record of the petitioner was complete in terms of PERs and declaration of assets, and then informed the Board, orally, that the officer "carries a repute of incompetence and questionable integrity". The former confirmed that the complete record of the petitioner was before the Board; the latter finds no support in that record and runs contrary to what it contains. Not a single PER, adverse entry, inquiry, penalty or complaint is mentioned in its support, and the respondents have not produced any such material before this Court either. The departmental representative did not disclose who held this view, when it was formed, or on what facts it was founded. An adverse assessment whose source and factual basis remain unidentified cannot, without more, constitute the "tangible material" which

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the Hon'ble Supreme Court in Tariq Azizud-Din (supra) required as the basis of a lawful consideration for promotion.

14. The minutes do not identify the material supporting the departmental representative's adverse assertion or explain how it was reconciled with the documented service record. Nor do they disclose that the Board called for its factual basis before relying upon it.

15. The role of the departmental representative is delineated in Schedule-VI to the Rules of 2019, read with rule 24. Paragraph (3) of Schedule-VI provides:

> *"(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."*

` The remainder of the Schedule obliges the administrative Ministry to furnish complete and accurate forms, PER dossiers and training reports, along with certificates regarding penalties and convictions. The Schedule does not, by itself, justify treating an unsupported oral opinion on reputation, integrity or competence as a substitute for the prescribed record. This very question was examined by this Court in *Dr. Mutahir Shah v. Federation of Pakistan through Secretary Establishment Division and others* (W.P. No.2409 of 2025 and connected petitions, decided on 30.04.2026). In two of those cases, the minutes recorded, in words substantially identical to those used here, 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". In paragraph 36 of the judgment, the Court characterised this practice as "a systematic usurpation of the evaluative function" and held:

> *"... 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*

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> *opportunity whatsoever to know the case against him or to offer any rebuttal, which is a direct violation of audi alteram partem."*

These observations are relevant to the present case. Here, the departmental representative did not confine himself to a general briefing; he told the Board in terms that the petitioner carried a repute of incompetence and questionable integrity, while the documents placed by his own department said the opposite.

16. The Board, for its part, ought not to have acted upon such a statement. It is a body comprising the most senior officers of the State, and the worth of its recommendation lies in its collective and independent judgment on the record. When an oral assertion contrary to the record is made before it, the Board must either call for the material underlying the assertion or exclude it from consideration. It did neither. It adopted the assertion, and then recorded that the reputation of the petitioner was "not in sync with his quantified performance". In other words, the Board noticed the conflict between the record and the impression, and preferred the impression without assigning any reason for doing so. Such an approach was disapproved in paragraph 38 of Dr. Mutahir Shah (supra), in the following terms:

> *"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."*

In the same paragraph, the Court observed that where the integrity of an officer is genuinely in question, the natural course is to initiate disciplinary proceedings so that the matter is determined in accordance with law, and that the absence of any such proceedings, despite a finding sufficiently adverse to deny promotion, renders the action suspicious. No disciplinary proceedings against the petitioner have been shown on the record produced before this Court. Their absence does not, by itself, establish fitness for promotion or prevent a lawful adverse assessment. The defect here is the absence of disclosed material supporting the adverse finding. The observations in Tariq Azizud-Din (supra) concerning withholding of promotion

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as a penalty must be read in their context; supersession on an assessment of fitness is not, merely for that reason, a disciplinary penalty. Nor does reliance on Sikandar Hayat Maken (supra) assist the respondents. That judgment restrains this Court from substituting its own view for the genuine assessment of the Board, but it does not protect an adverse finding on integrity which rests on no material. A Division Bench of this Court in *Federation of Pakistan v. Arbab Qaiser Hamid* (I.C.A. No.877 of 2024, decided on 11.09.2024) rejected the contention that interference with a supersession founded on findings of "average competence and questionable integrity", unsupported by any material, offends the law laid down in Sikandar Hayat Maken (supra). The same view was taken in Dr. Mutahir Shah (supra).

17. This approach is not alien to our jurisprudence. In Dr. Muhammad Arif (supra), the Hon'ble Supreme Court dealt with officers who had met the threshold on the strength of their PERs and training reports but were superseded on the basis of the knowledge of the members of the Board. It held that "neither has any reason given for ignoring the quantification in the service record, nor the nature and/or source of the so called knowledge been disclosed", and that the process "not only violated the requirement of adequate disclosure, but also offended the principle of fairness, due process and procedural propriety". The Hon'ble Supreme Court further emphasised that the promotion, deferment or supersession of a civil servant in BS-20 and BS-21 is a matter of enormous significance, having a bearing on the structure of the State, which cannot be dealt with in an arbitrary, casual or capricious manner. Earlier still, a Division Bench of the Lahore High Court in *Muhammad Zafeer Abbasi v. Government of Pakistan through its Secretary, Establishment Division and 4 others* (2003 PLC (C.S.) 503) had held:

> *"... if the opinion as to unsuitability of an officer for promotion is not based on any material, the decision based thereon is rendered arbitrary and open to correction by this Court in exercise of Constitutional jurisdiction."*

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Following that view, it was observed in *Liaqat Ali Chugtai v. Federation of Pakistan through Secretary Railways and 6 others* (PLD 2013 Lahore 413) that "There is no room for CSB to blindly rely and pass an adverse order on the basis of impressions nurtured and opinions harboured by Member(s) of CSB." The august Supreme Court noticed that decision in Dr. Muhammad Arif (supra) while dismissing the appeals against the judgment of the Islamabad High Court which had struck down the criteria for the award of fifteen marks at the disposal of the Board, with the overriding effect of five marks, and itself directed that the focus of the Board be shifted from the personal knowledge of its Members to the service dossier. A Division Bench of the High Court of Sindh in *Ahmed Saeed Siddiqui and others v. Pakistan through Secretary Establishment and others* (2015 PLC (C.S.) 923) went further on the point at hand, holding that the deferment of officers by the Board while placing reliance on the personal opinion of the departmental representative appeared, on the face of it, contrary to the doctrine of fairness and due process under Article 10-A of the Constitution.

18. There is another aspect. The assessments of officers who supervised the petitioner's work are material to the consideration of his competence and integrity. In Government of the Punjab through Additional Chief Secretary *and another v. Abdul Matloob Khan* (1990 SCMR 1431), adverse remarks had been recorded on the basis of the general reputation of the officer. The Hon'ble Supreme Court observed that, although full reasons need not be given, "the conclusions have to be based on facts". Here, the officers who knew the work of the petitioner, including successive Chief Executive Officers of DRAP and a Special Secretary of the Ministry, recorded year after year that he was upright, honest and trustworthy, and the departmental representative claimed no personal knowledge to the contrary. The maxim *nemo fit repente turpissimus* (no one becomes wholly bad all of a sudden) is apposite in this context. While consistently favourable assessments of integrity do not preclude a subsequent adverse assessment, a departure from that record must rest on identifiable material and be supported by reasons.

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19. The minutes also refer to "additional information placed before the Board". The respondents have disclosed the nature of this information neither to the petitioner nor to this Court, and non-disclosure of the nature and source of the material relied upon was itself held in Dr. Muhammad Arif (supra) to offend the requirement of adequate disclosure. Their reliance on Aftab Ahmed Manika (supra) is of no avail to them, as that case concerned the power of the Prime Minister to return the recommendations of the Board, and the Board was directed to re-examine the cases "on the basis of the criteria already set". The observation in that judgment that the factors to be taken into account fall within the exclusive domain of the Board, and that the reports of intelligence agencies are for the Board to weigh, was made in 2015, before the Rules of 2019 were framed. Those Rules now prescribe, in Schedule-IV, the source from which each attribute is to be assessed, and in respect of integrity they require the opinion of the Board to be "primarily based on the dossier/documentary evidence". Even where rule 4(5) of the Rules of 2019 permits the Board to consider reports of a special vetting agency, this Court held in *Muhammad Tahir Hassan v. Federation of Pakistan through Secretary, Establishment Division and 2 others* (2025 PLC (C.S.) 555) that such material cannot be used against an officer without confronting him with it, as "no information can ever be confidential which adversely affects the civil rights of a person without confronting him with its contents with him being given due opportunity of making a defence". The plea that Article 10-A of the Constitution has no application to promotion is also without force. A civil servant has a statutory right under section 9 of the Civil Servants Act, 1973 to be considered fairly, and the decision of the Board determines that right. In the present case, the decision has additionally left on record a finding against his integrity that will go before every future Board. If, as held in *Federation of Pakistan through Chairman Federal Board of Revenue and others v. Zahid Malik* (2023 SCMR 603), an officer must be allowed to test the material produced against him by a departmental representative in an inquiry, the undisclosed and unsupported oral assertion

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in the present case cannot, without more, sustain the impugned adverse finding.

20. The result is that the 20 marks awarded by the Board, which resulted in his aggregate falling below the prescribed threshold, were based on an adverse input whose factual foundation was neither disclosed nor reconciled with the service record. The minutes do not show how those marks were distributed among the ten attributes in Schedule-IV. Integrity is only one of those attributes. Even if a lower mark on integrity could have been justified, the minutes furnish no reason why the output, experience, professional expertise and leadership of the petitioner, all documented in his dossier, should have attracted so few marks. Such a decision is not a reasoned exercise of power as required by section 24-A of the General Clauses Act, 1897; the Hon'ble Supreme Court has held that reasons for passing over the candidate of highest merit must be cogent, recorded in writing and amenable to judicial review (see, by analogy, *Dr. Iqrar Ahmad Khan v. Dr. Muhammad Ashraf and others* (2021 SCMR 1509)). The decision denies the petitioner his right to be dealt with in accordance with law and the equal protection of law under Articles 4 and 25 of the Constitution, as well as his right to due process under Article 10-A. It also falls foul of the principles laid down by this Court in Dr. Mutahir Shah (supra) while interpreting the same Rules.

21. The reasons were also not communicated as rule 23 of the Rules of 2019 requires. The rule obliges the department to inform a superseded officer of the reasons "immediately" after approval. The promotion notification was issued on 16.05.2025 following the Prime Minister's approval. The petitioner requested the reasons twice, yet received them only on 30.09.2025, more than four months later. No explanation has been offered for the delay, which constitutes a further infirmity in the impugned action.

22. As regards respondent No.5, the allegations regarding his record and a conflict of interest have been denied and raise disputed questions of fact, which cannot be satisfactorily resolved on the material available in these

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proceedings under Article 199 of the Constitution. His promotion was also not made at the expense of the petitioner, as two posts were available and one remains vacant. There is, therefore, no occasion to disturb his promotion. The petitioner can be adequately protected in the manner adopted in Dr. Muhammad Arif (supra), where the officers left out, if recommended on reconsideration, were to "maintain their seniority vis-a-vis those who were recommended for promotion through the impugned process".

23. For the foregoing reasons, this petition is **partly allowed**. The recommendation of the Board made at its meeting held from 11 to 14 March 2025 for the supersession of the petitioner, and its approval to that extent, are **set aside**. The unsupported adverse observations recorded in the impugned minutes shall not be relied upon in any subsequent consideration of the petitioner's case. This shall not preclude the Board from considering independently available material in accordance with law. The case of the petitioner for promotion to the post of Drug Controller/Director (BS-20) shall be placed before the Board at its next meeting, against the vacancy that remained unfilled, and the Board shall decide the same strictly in accordance with the Rules of 2019, on the basis of material lawfully available for consideration, including his service dossier, PERs and documentary evidence, assessed against the relevant attributes in Schedule-IV, without treating the impugned assessment as determinative. The prayer for setting aside the promotion of respondent No.5 is, accordingly, declined.

(AYYAZ SHAUKAT)
JUDGE

Announced in open Court on 26.10.2026.

JUDGE

Saeed

Islamabad High Court