

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)



PRESENT:

Mrs. Justice Ayesha A. Malik
Mr. Justice Shahid Waheed

CPLA NO.1683 OF 2025

[On appeal against the order dated 12.03.2025 passed by Punjab Service Tribunal in Appeal No.2469 of 2023]

AND CMA NO.2604 OF 2025 IN CPLA NO.1683 OF 2025

[Stay application]

Muhammad Shafiq

...Petitioner(s)/
...Applicant(s)

Versus

The Secretary School Education South Punjab
Multan and others

...Respondent(s)

For the Petitioner(s) : Mr. Aftab Alam Yasir, ASC
Syed Rifaqat Hussain Shah, AOR

For the Respondent(s) : Mr. Khalid Masood Ghani,
Assistant Advocate General, Punjab

Date of Hearing : 23.09.2026

JUDGMENT

Ayesha A. Malik, J.- The Petitioner is aggrieved by the order of the Punjab Service Tribunal (**Tribunal**) which rejected his prayer for setting aside the withdrawal of his promotion order dated 24.5.2023. The facts, relevant to the dispute, are that the Petitioner joined the Education Department on 22.11.1995, as Elementary School Teacher (Physical Education Trainer) (**EST**)(**PE**). He remained EST(PE) until his promotion orders were made in 2020 when he was promoted as Assistant Education Officer (Physical Education) BS-16 **AEO(PE)** on 31.10.2020. This order was withdrawn on 24.05.2023 which then became the bone of contention between the Petitioner and the Education Department.

2. The issue primarily is whether an EST(PE) could be promoted to the post of AEO(PE) in terms of the Punjab School Education Department (School Education) Service Rules, 2014 (**2014 Rules**). The Respondents, being the Education Department Government of Punjab, state that this promotion could not be made, because in terms of the 2014 Rules, the post of AEO can only be filled

from amongst Secondary School Teachers (**SSTs**) through transfer. Their contention is that although the promotion took place through a DPC and the proper process was carried out, nonetheless, at the time, the 2014 Rules were not consulted as a result of which the promotion order had to be withdrawn. In this context, we are informed that an inquiry took place and repeated advice and guidance from the School Education Department were sought vide letters dated 14.03.2023, 03.04.2023 and 05.07.2023.

3. The Punjab School Education Department (School Education) Service Rules, 2014 repealed the earlier Punjab Education Department (School Education Department) Recruitment Rules, 1987 (**1987 Rules**) vide notification dated 14.03.2014 and prescribed the method of recruitment, minimum qualification, and other matters related to different posts in the Department of Education. Schedule 1 prescribes the requirements for promotion to SST or AEO(PE) from EST(PE) BS-14. For the purposes of this case, there is no dispute that the Petitioner has the requisite qualification. The dispute arises on account of the Note provided at the end of Column 7 which states that the post of AEOs shall be filled from amongst SSTs through transfer. The relevant Rule is reproduced hereunder:

Name of the Department	Functional Unit	Name of the Post	Appointing Authority	Minimum qualification for Appointment by		Method of Recruitment	Age for Initial Recruitment		Examination, training and other conditions required for confirmation / promotion
				Initial recruitment	Promotion		Min.	Max.	
1	2	3	4	5	6	7	8	9	10
School Education Department	School Education	Secondary School Teacher/ Assistant Education Officer (Physical Education)	EDO (Education)	SST(Science) i) Master' s degree (second division) in Physics, Chemistry, Math, Zoology, Biology or Botany from a recognized University; and (ii) M.Ed., M.A. (Education) or B.Ed. (second division) from a recognized university. SST (Arts) Master's degree (second division) in Urdu, Pak Study, Islamic Studies or English and others from a recognized University; and M.Ed., M.A (Education), or B.Ed (second division) from a recognized university; OR (ii)B.Ed (Hons.) (four years degree) from a	(i) SST (Science and Arts) As in column No 5; and (ii) AEO (Physical Education) a) Master's degree (Arts and Science in Sports Sciences b) M.Ed, M.A.(Education), B.Ed (Second division) from a recognized University.	i). 50% by initial recruitment: (a) 75 % for the posts of SST (Science); and (b) 25% for the posts of SST (Arts); and ii) 50% by promotion on the basis of seniority-cum-fitness from amongst the Elementary School Teachers (all categories): (a) 75 % for the posts of SST (Arts); and (b) 25 % for the posts of SST (Science). Note: The post of AEOs shall be filled from amongst SSTs through transfer.	20	30	-

(Emphasis added)

4. In order to resolve the issue a clear understanding of the service structure relating to the teaching cadre in the subject of Physical Education is necessary. The earlier rules were the 1987 Rules. Under these Rules, the post of AEO(PE) was filled by transfer from amongst SSTs (Regular), having minimum 5 years' service. The 1987 Rules also provided for a Physical Education Teacher (PET) who was appointed by way of initial recruitment. These Rules were repealed by the 2014 Rules. The 2014 Rules provide for promotion to the post of SST and AEO(PE) BS-16 from EST(PE). Interestingly, EST(PE) can be promoted to AEO(PE) as there is no post of SST(PE). The Note provides that the post of AEOs can be filled from amongst SSTs, making the post between AEOs and SSTs transferable *inter se*. On examining the 1987 Rules and the 2014 Rules, we note that for the purposes of Physical Education, the available post is of EST(PE) and AEO(PE) for the purposes of promotion. The transfer of SST to AEO is an administrative matter as both posts are in BS-16 and the transfer between SST and AEO appears to be for administrative convenience as an AEO is responsible for administrative work whereas an SST is a teaching position. Hence, the 2014 Rules allow, by way of the Note, the movement from AEO to SST and SST to AEO transferable for administrative convenience, but it cannot be seen as a promotion post as both posts are in BS-16.

5. In the context of the aforesaid, the problem that has arisen is in the understanding of the Note given by the Education Department and its purpose by treating the transfer of SST to AEO as a promotion to AEO(PE) and a bar on promoting EST(PE). Promotion from EST(PE) to AEO(PE) is clearly contemplated for under the 2014 Rules with the requisite qualifications for the purposes of promotion. There is no cavil to the same. The transfer from SST to AEO or vice versa is not a promotion rather a simple shift from one BS-16 post to another. We also find that the understanding of the Department is flawed as the Note cannot be read as a bar on the promotion criteria clearly provided for in the 2014 Rules. The 2014 Rules provide that 50% of the posts are to be filled by initial recruitment and 50% by promotion. For the purposes of 50% by promotion, the rule is on the basis of seniority-cum-fitness from Elementary School Teachers of all cadres. There is no confusion here because promotion of ESTs is on seniority-cum-fitness basis from all categories. This basically means

that in the different teaching specialties, the principle of seniority-cum-fitness applies for the purposes of promotion from EST to SST/AEO. For the teaching specialty of EST(PE), the promotion post is AEO(PE) as per the 2014 Rules. The Note simply prescribes that the post of AEOs, *shall be filled from amongst SSTs through transfer*, meaning thereby that the post of AEO can be filled through SSTs, through transfer, both being BS-16 posts. This Note cannot be made specifically applicable to the post of AEO(PE) to deny promotion because it simply states that the post of AEO can be filled up by SSTs of any cadre if it is required by way of transfer. However, for the purposes of promotion from EST(PE), the promoted post is of AEO(PE). Hence, the reliance on the Note to deny promotion is without basis and justification.

6. In the context of the facts of this case, the DPC took place on 31.12.2012, in which the Petitioner was duly considered, he qualified and he was promoted being the senior most EST(PE). Subsequently, on a complaint filed by someone, the matter was inquired into and on the basis of guidance letter issued by the Education Department 14.03.2023, it was decided that the post of the AEO will be filled from SSTs. This brings us to the bigger issue, with reference to clarity and certainty in policy making, in rule making and governance. Good governance requires clarity not only at the policy stage but also in the rule making and its subsequent implementation. The government as the largest public employer must conduct itself as a model employer.¹ Questions with reference to pay, seniority, promotion and retirement are not administrative inconveniences, they are matters that determine the security, progression and dignity of a public servant throughout their working life. A service structure must therefore provide a clear, predictable career path so that the employee can understand where he or she enters the service, how progression takes place and what conditions govern their advancement. Where rules do not prescribe coherent promotional tracks or options, the resulting uncertainty leads to failure in governance. Its consequence is borne not only by the institution that created the ambiguity but by the employee who then must spend years seeking an entitlement that should otherwise have been provided for in the Rules, in the service structure.

¹ Fakhar Majeed v. Secretary Government of Punjab Irrigation (2026 SCP 25).

7. Such structural gaps are often the consequence of policy developed without adequate data, institutional consultation or understanding of how the service actually functions on the ground. They are then aggravated at the implementation stage by an administrative approach that first asks why a benefit should not be given rather than whether it is due and how the governing framework can be fairly made to work. Administrative convenience cannot be a substitute for the law and neither can ambiguity become a reason to deny someone legitimate progression. Where repeated difficulties expose a gap in the service structure, the appropriate response is not to withdraw the benefit given to litigant rather to identify the anomalies, consult those affected and correct the rules. Good administration is not measured by how effectively it resists a claim but how fairly, consistently and efficiently it determines what is due and then delivers it. This is precisely the issue in this case. The advice and guidance letter show a failure on the part of the Department to examine its own rules and regulations to appreciate the grievance before them. Notably in this case the Petitioner has been in service since 1995 as an EST and the understanding evolved by the Department was to deny him his promotion on the basis of an explanatory Note.

8. There is a wider rule of law consequence to such administrative uncertainty and lethargy. The law cannot effectively regulate conduct of those governed by it, including public servants, if they cannot easily ascertain what is required. Legal certainty demands more than the existence of rules. It requires that rules are coherent, predictable and capable of application. When a service structure is unclear, its deficiencies are addressed through add-up orders, withdrawals and repeated representations which then create contradictions and anomalies which are not corrected. It encourages employees to seek exceptions, interventions and litigation simply to establish something that should have been obvious under the rules. This is the absolute opposite of good administration and good governance. The burden of resolving deficiencies is on the State alone and in that process, policy making and rule-making are important decisive steps at which stage all factors should be considered. Clarity is not merely good drafting, it is an element of legality itself, an

essential condition for consistent, fair and accountable governance. In this case, the repeated changes with respect to the specialty of teachers for physical education created anomalies which should have been resolved – instead at the expense of the Petitioner without appreciating their own 2014 Rules a Note is relied upon to deprive the Petitioner of a long overdue promotion. Not only could this have been avoided but we find that despite repeated advice and guidance no effort was put into resolving the matter.

9. In view of the aforesaid, this Civil Petition is converted into an appeal and is allowed. The impugned order is set aside with the consequence that the order passed by Respondent No.1 on 24.05.2023 whereby the Petitioner's promotion was withdrawn is also set aside and the Petitioner is entitled to all back benefits with reference to his promotion from the date when the promotion was withdrawn.

10. The listed Civil Miscellaneous Application is disposed of.

JUDGE

JUDGE

Islamabad
23.09.2026
'APPROVED FOR REPORTING'
Azmat/*