

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Justice Ayesha A. Malik
Justice Aqeel Ahmed Abbasi

Civil Petition No.428 of 2025

(Against the judgment dated 12.11.2024 passed by the Federal Service Tribunal, Islamabad in Appeal No.1812(R)CS/2019)

Senior General Manager /CEO, Pakistan Railways
Headquarters Office, Lahore and another

...Petitioner(s)

Versus

Muhammad Saeed Akhtar and others

...Respondent(s)

For the Petitioner(s) : Mr. Umar Sharif, ASC
(Via V.L. Lahore)

For Respondent No.1 : Hafiz Noor Muhammad, ASC

Date of Hearing : 02.10.2026

ORDER

AQEEL AHMED ABBASI, J.- Through instant petition for leave to appeal, the petitioner has sought leave against the judgment dated 12.11.2024 passed by the Federal Services Tribunal, Islamabad (“FST”) in Appeal No. 1812(R)CS/2019, whereby, the appeal filed by the respondent No.1 was allowed and the petitioner Department was directed to consider the claim of the respondent No.1 for proforma promotion to the post of Train Supervisor (BS-11) with effect from 31.05.2019 within a period of two months from the receipt of Tribunal’s judgment and to submit a compliance report to the Registrar’s office of the Tribunal.

2. Learned counsel for the petitioner has argued that the impugned order passed by the FST directing the Department to consider the claim of the respondent No.1 for proforma promotion to the post of Train Supervisor (BS-11) with effect from 31.05.2019 after the respondent stood retired from service on attaining the age of superannuation on 25.11.2021 is erroneous in law and fact. According to learned counsel, the respondent No.1 was rightly not promoted, as the T-7(a) course was not completed by Respondent No.1 which was required for further promotion to the post of Train Supervisor (BS-11). While concluding his arguments, the learned

counsel submitted that since the respondent No.1 was not qualified to be promoted to the aforementioned post under the relevant rules, therefore, the directions issued by the FST to consider the case of respondent No.1 for proforma promotion are erroneous, hence, the impugned order may be set aside.

3. Conversely, learned counsel for the respondent No.1 has vehemently opposed the contentions of learned counsel for the petitioner and supported the judgment of the FST which according to learned counsel is based on proper appreciation of facts and the Rules applicable thereto. It has been contended by the learned counsel for the respondent No.1 that petitioner Department on somewhat similar grounds, had earlier demoted the respondent No.1 from the post of Senior Assistant Train (SAT / BS-9) to Junior Assistant Train (JAT / BS-5), which was assailed by the respondent No.1 by filing Appeal No. 665 (R)CS/2022 before the FST which was allowed vide order dated 20.05.2024 , wherein directions were issued to the petitioner Department to grant emoluments and other benefits to respondent No.1 for the post of SAT(BS-9). The order of the FST was challenged by petitioners before this Court through CPLA No.3622/2024, however, the same was dismissed vide order dated 22.01.2026 (a copy of which has been placed on record). It has been further argued by learned counsel that the contention of learned counsel for the petitioner regarding completion of the T-7(a) course is misconceived, as the Tribunal rightly held that non-completion of the T-7(a) course was relevant only in case of promotion to SAT, and was not a mandatory requirement for onward promotion to Train Supervisor (BS-11). According to learned counsel the respondent No.1 was assigned light sedentary duties on the recommendation of Railway Medical Board on 04.10.2007, whereafter, the respondent No.1 was promoted as SAT (BS-9) and assigned duties in the office which he continued to perform till his retirement, whereas, the petitioner Department has not given any reason as to whether respondent No.1 could not be given promotion to BS-11 and to continue his assignment on light duties on medical ground. Learned counsel for the respondent No.1 has prayed that instant petition is devoid of any merits, whereas, no substantial legal point has been raised hence, the same may be dismissed and leave be refused.

4. We have heard both the parties at some length and perused the record with their assistance. Perusal of the record reveals that the respondent No.1 was initially appointed as Junior Assistant Train (JAT / BS-5) on 23.05.1986 on ad-hoc basis and his services were subsequently regularized in the year 2005, followed by his promotion to the post of Senior Assistant Train (SAT / BS-7) vide order dated 30.04.2014. The record further reflects that while performing his duties, the respondent No.1 suffered an accident resulting in a fracture of his right femur, whereupon the Railway Medical Board, vide letter dated 04.10.2007, recommended light sedentary duties for him. Despite these physical constraints, the respondent No.1 continued to perform his duties and was placed at Serial No. 1 in the seniority list of SAT issued in September 2018. The objection of the petitioner Department rests on the assertion that completion of the T-7(a) training course was a mandatory requirement for promotion, which the respondent No.1 failed to complete. We find this contention to be misconceived as the same has been repelled by the FST in its judgment by holding that the T-7(a) course was a training requirement relating to promotion to SAT, but was not mandatory for onward promotion to the higher post of Train Supervisor (BS-11). The Petitioner Department earlier demoted the respondent No.1 from SAT (BS-9) to JAT (BS-5) on the same ground i.e. non-completion of the T-7(a) course, however, the said decision was assailed before the FST in Appeal No. 665(R)CS/2022, which was allowed while declaring the Department's action void *ab initio* and the Petitioner Department was directed to grant pensionary and other benefits of SAT (BS-9) to the respondent No.1. The judgment of the FST was maintained by this Court in CPLA No.3622/2024 vide order dated 22.01.2026. The objection regarding the T-7(a) course therefore, stood settled between the parties by this Court. The Petitioner Department cannot be permitted to re-agitate the same settled issue to deny the right of the respondent No.1 to be considered for proforma promotion.

5. Furthermore, it is an admitted position that the respondent No.1 was assigned light sedentary duties on the recommendation of the Department's own Medical Board. We observe that when an employee is assigned light duty by the employer due to medical disability, the non-completion of a field training course not offered to the respondent No.1 for medical reasons, cannot be treated

as wilful default on the part of the employee, who otherwise is entitled to be promoted. The petitioner Department cannot deprive a senior employee of his legitimate right to be considered for proforma promotion alongside his juniors. Moreover, through impugned judgment, the FST has merely issued directions to consider the claim of the respondent No.1 for proforma promotion to Train Supervisor (BS-11) with effect from 31.05.2019 under the relevant rules, which directions are well within the domain of the FST and could not give rise to any grievance to the Petitioner Department at this stage, and to assail the same by filing civil petition for leave to appeal.

6. In view of hereinabove factual and legal position as emerged in instant case, we find no legal error, procedural infirmity, or misreading of record in the impugned judgment dated 12.11.2024 passed by the FST that would warrant interference by this Court under Article 212(3) of the Constitution. Accordingly instant petition is dismissed and appeal to appeal is refused.

Judge

Islamabad, the
02.10.2026
Approved for Reporting
Zainab Bashir, Judicial Law Clerk/*

Judge