

EST Physical Education to AEO Promotion: Supreme Court Restores Muhammad Shafiq's Promotion

The Supreme Court held that a transfer note could not defeat EST Physical Education promotion to AEO under the 2014 Rules and restored promotion with back benefits.

CPLA No. 1683 of 2025; CMA No. 2604 of 2025 | 2026-09-23

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Promotion restored under the 2014 Rules

The Supreme Court of Pakistan restored Muhammad Shafiq's promotion from EST (Physical Education) to AEO (Physical Education), BS-16. It held that the transfer note in the Punjab School Education Department (School Education) Service Rules, 2014 could not be read to defeat the promotion route expressly provided by those Rules.

The decision is *Muhammad Shafiq v The Secretary School Education South Punjab Multan and others*, CPLA No. 1683 of 2025, with CMA No. 2604 of 2025. Justice Ayesha A. Malik authored the judgment for a Bench with Justice Shahid Waheed on 23 September 2026. The supplied six-page copy is approved for reporting but contains no assigned reporter citation.

The Court converted the petition into an appeal and allowed it. It set aside the Punjab Service Tribunal judgment and the promotion-withdrawal order dated 24 May 2023. Back benefits relating to the promotion were awarded from that withdrawal date.

The employment history and withdrawal order

Muhammad Shafiq joined the Education Department on 22 November 1995 as an Elementary School Teacher (Physical Education Trainer). He was promoted to Assistant Education Officer (Physical Education), BS-16, on 31 October 2020. The department withdrew the promotion on 24 May 2023.

The department treated the transfer note accompanying the 2014 Rules as requiring an AEO appointment to come from a Secondary School Teacher through transfer. It accepted that a Departmental Promotion Committee and the proper process had been involved, but argued that the Rules had not been consulted when the promotion was initially made.

The employee challenged the withdrawal. The Punjab Service Tribunal dismissed his appeal, No. 2469 of 2023, on 12 March 2025. The Supreme Court examined whether the department's reading of the transfer note was consistent with the Rules as a whole.

What Schedule I provides for AEO appointments

Paragraphs 3 to 5 address the statutory scheme. The 2014 Rules, notified on 14 March 2014, repealed the earlier 1987 recruitment rules. The judgment reproduces the relevant part of Schedule I and examines columns 6 and 7 together.

The scheme provided a 50 per cent initial-recruitment share and a 50 per cent promotion share, with promotion from ESTs of all categories on seniority-cum-fitness and the prescribed eligibility requirements. The petitioner's relevant qualifications were not disputed.

For Physical Education, the Court found that promotion from EST (PE) to AEO (PE) was contemplated by the 2014 Rules. There was no SST (PE) post. Reading the transfer note to require an EST (PE) to pass through an unavailable SST (PE) position would frustrate the promotion route rather than implement it.

This was not an order to promote every EST automatically. Eligibility, the applicable quota, seniority-cum-fitness and the proper promotion process remain material. The Court's reasoning concerns the department's use of the note as a legal bar to this otherwise available route.

Transfer between BS-16 posts is different from promotion

The Court distinguished a horizontal transfer between SST and AEO positions, both in BS-16, from promotion of an EST to an AEO position. The note served the former administrative purpose; it could not eliminate the latter route expressly recognized in the promotion columns.

Under the old 1987 Rules, the position of AEO (PE) involved transfer from an SST with the specified regular service, while the Physical Education Teacher position involved initial recruitment. The 2014 scheme changed the relevant promotion structure. The older arrangement could not simply be carried forward in a way that contradicted the replacement Rules.

The interpretive point is practical: a service-rule schedule should be read coherently. A note explaining movement between posts cannot be isolated from the express method of appointment and promotion criteria. In this case, the department's isolated reading created an obstacle the Rules themselves did not impose.

Why the department's interpretation failed

The Court found the department's reliance on the note flawed. The 2014 Rules expressly contemplated EST (PE) promotion to AEO (PE), and the absence of an SST (PE) post reinforced the need to apply the actual route rather than invent an intermediate requirement.

The judgment records that the petitioner was the senior-most eligible EST (PE) and had been considered through the promotion process. His case was therefore not merely an abstract request to create a new promotional channel. The channel existed in the Rules, and the department later withdrew a promotion by misreading its own scheme.

Counsel should preserve this factual distinction. The case supports enforcement of an existing promotion route against an inconsistent departmental interpretation. It does not authorize a court to disregard statutory qualifications or create a post that the governing scheme does not recognize.

The State as a model employer

Paragraphs 6 to 8 discuss the responsibility of public institutions to maintain a coherent and predictable career structure. Employees should be able to understand the rules governing advancement. Where a department identifies an anomaly in a service structure, it should address it through lawful institutional correction and consultation rather than use it to deny benefits contemplated by the operative Rules.

The Court cited *Fakhar Majeed v Secretary Government of Punjab Irrigation*, 2026 SCP 25, in connection with the model-employer principle. That reference is reproduced from the present judgment; this article does not claim an independent review of the full *Fakhar Majeed* decision or add unverified facts about it.

These institutional observations support the Court's reading of the Rules. They do not create a free-standing entitlement to promotion outside the applicable service scheme. A claimant still needs to identify the post, route, eligibility and specific administrative error.

Back benefits: the correct starting date

Paragraph 9 specifies the relief. The Tribunal judgment dated 12 March 2025 was set aside, as was the withdrawal order dated 24 May 2023. The petitioner was entitled to all back benefits with reference to his promotion from the date of withdrawal, 24 May 2023. The connected stay application was also disposed of.

The benefits were not ordered from his initial appointment in 1995. Nor should an earlier date mentioned in the promotion-process history be substituted for the express starting date in the operative order. Distinguishing the original promotion, its withdrawal and the date from which consequential relief runs avoids a common error in summarizing service judgments.

What lawyers and education officials should check

For an employee, the relevant record includes the operative Rules and schedule, educational qualifications, service and seniority record, promotion committee proceedings, promotion order, withdrawal order and departmental correspondence. The argument should show exactly how the impugned interpretation conflicts with the express route.

For the department, the inquiry is whether it has read the whole appointment scheme rather than a note in isolation. A genuine eligibility defect should be identified and supported by the Rules and record. An administrative concern about the structure should not be confused with a legal prohibition that the schedule does not contain.

The ruling is particularly relevant to the EST (PE) and AEO (PE) route considered here. Applying it to another category requires comparison of that category's actual posts, qualifications and governing rules.

Frequently asked questions

Can an EST in Physical Education be promoted to AEO Physical Education?

The Supreme Court held that the 2014 Rules contemplated that route and that the transfer note did not bar it. The prescribed eligibility, seniority-cum-fitness and promotion process still have to be satisfied.

Is transfer from SST to AEO the same as EST promotion to AEO?

No. The Court treated SST-to-AEO transfer between BS-16 posts as horizontal administrative movement. That note could not defeat the separate promotion route from EST (PE) to AEO (PE).

From which date did Muhammad Shafiq receive back benefits?

The Court awarded back benefits relating to the promotion from its withdrawal on 24 May 2023. It restored the promotion and set aside the Tribunal judgment and withdrawal order.

Judgment source and paragraph guide

The complete supplied judgment can be downloaded on this page. Paragraphs 1 and 2 set out the appointment, withdrawal and departmental position; paragraphs 3 to 5 explain the 2014 Rules and transfer note; paragraphs 6 to 8 address the promotion record and institutional responsibility; paragraph 9 gives the relief. The article PDF is a separate explanation of that decision.

Primary sources and online article

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