

Proforma Promotion: Supreme Court Rejects Training Objection Against Medically Restricted Employee

The Supreme Court upheld consideration of a retired Railways employee for proforma promotion, rejecting a settled training objection and treating medically withheld training as no wilful default.

Pakistan Railways v Muhammad Saeed Akhtar | Supreme Court | 2 October 2026

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What the Supreme Court held

The Supreme Court of Pakistan upheld a Federal Service Tribunal direction requiring Pakistan Railways to consider Muhammad Saeed Akhtar for proforma promotion to Train Supervisor (BS-11) with effect from 31 May 2019. The employee had retired on 25 November 2021. The Court rejected the department's attempt to block consideration because he had not completed the T-7(a) training course.

The decisive points were specific. The Tribunal had found that the course related to promotion to Senior Assistant Train, rather than being mandatory for the onward promotion to Train Supervisor. The department's objection had also been settled in earlier litigation between the parties. In addition, Railways itself had assigned the employee light sedentary duties on medical advice; a field course not offered for medical reasons could not be treated as his wilful default.

The Court did not order automatic promotion or award a specified sum of arrears. It preserved the direction to consider his claim under the relevant rules. That distinction defines the practical reach of the decision.

Case, bench and decision

The order was passed on 2 October 2026 in Senior General Manager/CEO, Pakistan Railways Headquarters Office, Lahore and another v Muhammad Saeed Akhtar and others, Civil Petition No. 428 of 2025. Justice Ayesha A. Malik and Justice Aqeel Ahmed Abbasi constituted the bench. Justice Abbasi authored the order, which is marked approved for reporting. The supplied copy does not state an SCMR, PLD or other reporter citation.

Railways challenged the Federal Service Tribunal's judgment dated 12 November 2024 in Appeal No. 1812(R)CS/2019. The Tribunal had directed consideration of the claim within two months of receipt of its judgment, with a compliance report to its Registrar. The Supreme Court dismissed the petition and refused leave to appeal under Article 212(3) of the Constitution.

Why Railways opposed proforma promotion

The department argued that the employee lacked a qualification required for promotion because he had not completed T-7(a). It also challenged the Tribunal's direction issued after his retirement. Its position was that the Tribunal had wrongly required consideration of a person who was not eligible under the relevant rules.

The employee answered that the training objection had already been rejected in litigation over his demotion. He also relied on the department's decision to give him office duties on the Railway Medical Board's recommendation, and on the finding that T-7(a) was not mandatory for promotion to Train Supervisor.

Injury, light duties and seniority

The record described Akhtar's initial appointment as Junior Assistant Train (BS-5) on an ad hoc basis on 23 May 1986, followed by regularisation in 2005. He suffered an accident while performing his duties, fracturing his right femur. On 4 October 2007, the Railway Medical Board recommended light sedentary work.

He continued in service and was placed first in the Senior Assistant Train seniority list issued in September 2018. His medical restrictions therefore existed alongside continued service and seniority; the department had accommodated those restrictions through the duties it assigned him.

The order refers to Senior Assistant Train as BS-7 when describing the promotion dated 30 April 2014, and as BS-9 in the later demotion and benefits dispute. It does not explain that grade difference. The issue decided here concerns consideration for Train Supervisor (BS-11), so the article does not infer an unrecorded upgrade or correction.

The training objection had already been settled

Railways had earlier demoted Akhtar from Senior Assistant Train (BS-9) to Junior Assistant Train (BS-5), relying on non-completion of the same course. The Tribunal allowed his challenge in Appeal No. 665(R)CS/2022 on 20 May 2024, declared the departmental action void from the outset and directed pensionary and other benefits of the senior post.

The Supreme Court maintained that result when it dismissed CPLA No. 3622/2024 on 22 January 2026. In the present order, the Court held that Railways could not re-agitate the settled objection to deny consideration for proforma promotion. This reasoning rests on the earlier adjudication between these parties; the order does not announce that every training objection in every service is invalid.

Medical restrictions were not wilful default

Paragraphs 4 and 5 contain the central reasoning. The Court accepted that T-7(a) concerned promotion to Senior Assistant Train and was not mandatory for onward promotion to Train Supervisor. It also observed that an employer assigning light duties because of medical disability cannot treat non-completion of a field course withheld for medical reasons as the employee's wilful default, where he is otherwise entitled to promotion.

That finding is useful in disputes where a department both restricts an employee's duties on medical advice and then relies on training the employee was not offered. It does not dispense with every applicable eligibility requirement. Lawyers must still identify the particular promotion rules, the course's actual relevance, the medical restrictions and the department's role in access to training.

Consideration after retirement, rather than automatic promotion

Proforma promotion generally concerns recognition of a promotion from an earlier date under the applicable service rules, potentially affecting service or retirement benefits. The precise entitlement and financial consequences depend on those rules and the eventual decision.

Here, the relevant date for consideration was 31 May 2019, before Akhtar retired. The Supreme Court left standing the Tribunal's direction to consider that earlier claim. It did not give all retired employees an unconditional right to retrospective promotion, and it did not determine the final amount of any consequential benefit.

The Court stressed that the Tribunal had merely required lawful consideration. That direction was within its domain and furnished no departmental grievance warranting interference at this stage. The

Court found no legal error, procedural infirmity or misreading of the record justifying intervention under Article 212(3).

Practical effect for service litigation

For an employee in comparable circumstances, the useful evidence includes the promotion rules, seniority list, juniors' promotion dates, medical-board recommendation, light-duty orders, training nomination record and any earlier tribunal or Supreme Court decisions. Seniority alone should not be presented as an automatic entitlement to promotion.

For the department, compliance means examining the claim under the governing rules without reviving the objection already settled between the parties. The surviving direction concerns consideration from 31 May 2019; the Supreme Court did not issue a fresh, separately quantified award of promotion benefits.

Read the complete order on the linked judgment page, or use the judgment PDF buttons below. For related discussion of retirement disputes and their proper forum, see our article on pension claims and the Service Tribunal route.