

IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-2511 of 2021

(Inspector Syed Saeed Akhtar Naqvi and 08 others v. Province of Sindh and 10 others)

Date

Order with signature of Judge(s)

Before:

**Muhammad Karim Khan Agha, J.
Adnan-ul-Karim Memon, J.**

Date of hearing and order: 02.09.2025

Mr. Imtiaz Ali Shah Rashidi, advocate for the petitioner
Mr. Ali Safdar Depar, AAG a/w Raza Mian, DSP (Legal-II) CPO

ORDER

The petitioner, Saeed Akhtar Naqvi, has filed a contempt of court application. He is requesting that proceedings be initiated against the alleged contemnors who have failed to comply with previous court orders in this case.

Initially the petitioner called in question the legality of the order dated 17.03.2022 passed by this Court, whereby the applications bearing No.5206/2022 and 5207/2022 were disposed of in terms of judgment rendered by the Supreme Court in the case of Gul Hassan Jatoi v. Fageer Ahmed Jatoi (2016 SCMR 1254), and petitioners/applicant was/were left at liberty to assail the vires of the Departmental Promotion Committee, (DPC) through independent proceedings.

The applicant's counsel is arguing that the DPC decision and seniority list from 2021/2022 are invalid because they contradict Supreme Court rulings. He submitted that the seniority of Police Inspectors should be determined by Police Rules and a recent Supreme Court judgment in the Syed Hammad Nabi case, not the current list. The Supreme Court has already ended the practice of "out-of-turn" promotions and antedated confirmations in previous cases. He submitted that the promotions of officers junior to the petitioners are, therefore, illegal. The counsel requests that the court reopen the case and direct the Inspector General of Police Sindh to properly revise the seniority list based on the Police Rules and Supreme Court precedent.

We have learned counsel for the parties on the listed application and perused the compliance report with their assistance.

There is no cavil to the proposition that the case of the applicant/petitioners ought to have been considered in terms of paragraphs 56 and 71 of the judgment rendered by the Supreme Court in the case of Gul Hassan Jatoi supra which was the mandate of the main disposal and subsequent orders, However, due to failure on the part of the official respondents contempt proceedings was initiated but due to

observation recorded in the order dated 17.03.2022, this Court was not inclined to go ahead further on the contempt application and left the applicant/petitioners at liberty to assail the vires of the DPC through independent proceedings. However, due to development in the law laid down by the Supreme Court in the case of Syed Hammad Nabi (supra) where the Supreme Court has settled the issue of final seniority of Police Inspectors in terms of rule 12.2(3) of the Police Rules 1934.

The learned AAG has informed that in response to an order from this Court on August 17, 2023, the Sindh Police formed a committee to review the seniority list. The committee, led by the Deputy Inspector General of Police (DIGP) Establishment Sindh, met on November 13, 2023. They heard from the petitioners and, after a thorough review, determined that the final seniority list, issued on November 15, 2021, was correctly prepared according to the Police Rules of 1934 and relevant court judgments. The committee's findings were approved by the Inspector General of Police (IGP) Sindh and submitted to this Court on January 3, 2024. Additionally, a Departmental Promotion Committee (DPC) meeting was held on March 12, 2022, to consider promoting 351 senior inspectors to the rank of Deputy Superintendent of Police (DSP). The committee recommended 163 of the most senior inspectors for promotion. However, the petitioner, Inspector Syed Saeed Akhter Naqvi, had already retired on December 3, 2021, and was therefore not considered for promotion.

In view of the above, prima facie, the previous orders have been mostly followed. The application is now dismissed based on the committee's decision. However, the petitioners are free to challenge the legality of that decision in the appropriate legal forum. This Court also directs that the case of Petitioner Saeed Akhtar Naqvi be reconsidered for a pro forma promotion within two months, provided he is eligible based on his seniority.

J U D G E

Head of Const. Benches

