

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4597 of 2025

[Muhammad Amir Baloch & others v Province of Sindh and Others]

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Hasan Akbar

Date of hearing and Order: 20.05.2026

Mr. Malik Naeem Iqbal, advocate for the Petitioners.

Mr. Abdul Jalil Zubedi, Addl. A.G along with

Inspector Ghazanfar Ali, on behalf of the I.G.P Sindh

ORDER

Adnan-ul-Karim Memon, J. – Petitioners have filed this Constitution Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking the following relief:-

- i) ***Declare that the deferment of the petitioners for promotion as Sub Inspector Police is illegal, mala fide, contemptuous, and discriminatory, and set aside the same forthwith;***
- ii) ***Direct the respondents to consider the petitioners for promotion w.e.f. the date their batch mates (2004 batch) were promoted;***
- iii) ***Grant any other relief which is deemed fit and proper in the circumstances of the case.***

2. The case of the petitioners, as per pleadings, is that they were appointed on 13.11.2004 through the Sindh Public Service Commission as ASIs (Computer) under the Police Order, 2002, and after completion of requisite training at PTC Shahdadpur and Saeedabad, they were posted in different districts/ranges of the Executive Branch of the Police Department. According to the petitioners, since there were no sanctioned posts available in the Technical and Transport Branch, their lien was fixed against regular posts of ASIs in the Executive Cadre, where they have continuously served and drawn salaries since their appointment. The petitioners submit that the respondents subsequently attempted to unlawfully redesignate and shift them from the Executive Branch to the IT/Technical Cadre, compelling them to file C.P. No.D-4329 of 2019 before this Court. The petitioners contend that this Court declared the impugned action illegal and held that they are regular members of the Executive Branch, which determination was substantially maintained by the Hon'ble Supreme Court in Civil Appeal No.928 of 2020 vide order dated 15.04.2024, whereby it was directed that the petitioners shall continue to serve in the Executive Branch and their seniority and promotion shall be regulated strictly in accordance with law and rules. Pursuant thereto, their seniority was fixed in their respective districts/ranges along with their batch-mates. According to the petitioners, despite the aforesaid judgments, the

respondents deliberately delayed their promotion to the rank of Sub-Inspector and, vide letter dated 01.11.2024, decided that although the petitioners would be treated as having qualified the probationary course, they would still be required to undergo practical training courses A, B, C, and D, which would consume almost three years. The petitioners contend that under Rule 19.25(2) of the Police Rules, 1934, such practical training relates to the probation period of newly inducted officers, whereas the petitioners have already served for more than twenty years in the Executive Branch at various police stations and have acquired sufficient practical experience. It is further their case that they already stand confirmed in service and their names exist in List-E maintained under Rule 13.10 of the Police Rules, thereby making them fully eligible for promotion to the rank of Sub-Inspector. The petitioners further submit that although they joined the training courses without prejudice to their legal rights, their cases for promotion were deferred in the meeting of the Departmental Promotion Committee held on 19.11.2024 solely on the ground that they were undergoing practical training. However, according to the petitioners, several similarly placed ASIs, including officers junior to them and officers appointed in 2014, were promoted without completion of A, B, C, and D courses, while in some cases promotions were granted subject to completion of such courses later on. The petitioners, therefore, contend that the requirement of practical training courses has no nexus with promotion and that their deferment is discriminatory, mala fide, and contrary to the judgments of the Hon'ble Supreme Court as well as the Police Rules, 1934. It is lastly the case of the petitioners that, despite rendering more than twenty years of service in the Executive Branch and standing confirmed as regular ASIs, they are being treated as fresh inductees and are being denied lawful promotion without any lawful justification, thereby violating their vested service rights and the guarantees of equality and due process enshrined in the Constitution.

3. Learned counsel for the petitioners submitted that the petitioners were appointed in the year 2004 through the Sindh Public Service Commission as ASIs (Computer) and, under the appointment letters, were governed by the Police Order, 2002. He contended that since no sanctioned posts were available in the Technical and Transport Branch, the petitioners were posted in various districts/ranges against regular posts of ASIs in the Executive Cadre, where they have continuously served for more than twenty years and have been drawing salaries accordingly. Learned counsel further submitted that the respondents unlawfully attempted to redesignate and shift the petitioners from the Executive Branch to the IT Cadre, which action was declared illegal by this Court in C.P. No. D-4329 of 2019, and the said judgment was substantially maintained by the Hon'ble Supreme Court in Civil Appeal No.928 of 2020 vide order dated 15.04.2024, whereby it was held that the petitioners shall continue to perform service in the Executive Branch and their seniority and promotion shall be dealt

with strictly in accordance with law. Learned counsel further argued that despite fixation of the petitioners' seniority in their respective districts/ranges, the respondents deliberately delayed their promotion to the rank of Sub-Inspector on the pretext that they were undergoing practical training courses A, B, C, and D. It was contended that the petitioners have already completed more than twenty years of service in the Executive Branch, have undergone probation, stand confirmed in service, and their names exist in List-E, thus fully qualifying them for promotion under the Police Rules, 1934. He further submitted that similarly placed ASIs and even junior officers were promoted without completion of such courses, whereas the petitioners alone were deferred, amounting to discrimination, mala fide exercise of authority, and violation of Articles 4, 9, 18, and 25 of the Constitution. Reliance was also placed upon the judgment reported as *Gul Hasan Jatoi v. Federation of Pakistan* (2016 SCMR 1254) to contend that an employee cannot be deprived of promotion or service benefits merely because the department failed to deputize him for a training course. He prayed to allow this petition.

4. Conversely, learned AAG appearing on behalf of respondent Nos. 2 and 3 submitted that pursuant to the judgment of the Hon'ble Supreme Court dated 15.04.2024, a Departmental Committee was constituted by the Inspector General of Police, Sindh, to resolve issues relating to probationary and practical training courses of ASIs transferred from the Technical Cadre to the Executive Cadre. He submitted that the committee examined the matter and observed that although the petitioners had been transferred to their districts of domicile in compliance with the Supreme Court's judgment, they were still required to complete practical training courses in accordance with departmental requirements before consideration for promotion. Learned counsel contended that the deferment of the petitioners' promotion was not mala fide or discriminatory but was made in compliance with the recommendations of the departmental committee and applicable service rules.

5. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

6. The controversy in the instant matter revolves around whether the petitioners, who have admittedly served in the Executive Branch of Police Department since their appointment in the year 2004 and stand confirmed in service, could lawfully be deferred for promotion to the rank of Sub-Inspector on the ground of non-completion of practical training courses A, B, C, and D.

7. The record reflects that the petitioners were appointed through the Sindh Public Service Commission as ASIs (Computer) and, owing to the non-availability of sanctioned posts in the Technical Cadre, were posted and continuously served in various districts/ranges of the Executive Branch for more

than two decades. Their lien was maintained against regular posts of ASIs in the Executive Cadre, and they have continuously drawn salaries and performed duties as members of the Executive Police Force.

8. It is also an admitted position that the attempt of the respondents to redesignate and shift the petitioners to the IT/Technical Cadre was declared unlawful by this Court in C.P. No.D-4329 of 2019, and the said determination was substantially maintained by the Hon'ble Supreme Court in Civil Appeal No.928 of 2020 vide order dated 15.04.2024, wherein it was categorically held that the petitioners shall continue to perform service in the Executive Branch of the Police Department and that their seniority and promotion shall be regulated strictly in accordance with law, rules, and regulations.

9. The import of the aforesaid judgment is that the petitioners were recognized as part and parcel of the Executive Branch and entitled to all consequential service benefits attached thereto, including lawful consideration for promotion with their batch-mates. The respondents, therefore, cannot indirectly defeat or dilute the effect of the judgment of the Hon'ble Supreme Court by imposing conditions which were never previously insisted upon during the petitioners' long service tenure.

10. The record further demonstrates that the petitioners have already completed more than twenty years of service in the Executive Branch, their names admittedly exist in List-E maintained under Rule 13.10 of the Police Rules, 1934, and they also stand confirmed in service. Under Rule 19.25 of the Police Rules, practical training is essentially meant for probationary purposes so as to equip newly inducted officers with field experience during the initial stage of service. Once an employee has continuously served in the field for decades, completed probation, and earned confirmation in service, insistence upon undergoing probationary practical courses as a precondition for promotion loses its legal justification and becomes merely a technical formality devoid of rational nexus with the object sought to be achieved.

11. In this regard, reliance placed by the petitioners upon the case of Gul Hasan Jatoi supra is well-founded. The Hon'ble Supreme Court in the said judgment held that where an employee has otherwise fulfilled eligibility conditions, his promotion or service benefits cannot be withheld merely because the department itself failed to provide or arrange a requisite course or training. The Supreme Court further observed that departmental inaction cannot prejudice the vested service rights of an employee. The principle flowing from the aforesaid judgment squarely applies to the present case, as the petitioners cannot be penalized for alleged non-completion of courses, if not earlier done, which were never required during their twenty years of active service in the Executive Branch

and which the department itself did not insist upon throughout their service career.

12. Furthermore, the material placed before this Court reflects that similarly placed ASIs, including juniors of later batches, were promoted notwithstanding non-completion of A, B, C, and D courses, and in certain cases promotions were granted subject to completion of such courses subsequently. The respondents have failed to provide any reasonable basis for treating the petitioners differently. Such selective deferment offends the mandate of Article 25 of the Constitution, which guarantees equality before law and equal protection of law. The action of the respondents thus suffers from discrimination and amounts to an arbitrary exercise of authority.

13. In the circumstances, this Court is of the considered view that deferment of the petitioners' promotion solely based on non-completion of A, B, C, and D practical training courses, despite their continuous service in the Executive Branch since 2004, confirmation in service, inclusion in List-E, and recognition by the Hon'ble Supreme Court as members of the Executive Branch, is without lawful authority and contrary to the Police Rules, 1934, as well as the law laid down by the Hon'ble Supreme Court in *Gul Hasan Jatoi* (supra) and Civil Appeal No.928 of 2020 decided on 15.04.2024.

14. Accordingly, this petition is allowed. The impugned deferment of the petitioners for promotion to the rank of Sub-Inspector is declared illegal and set aside. The respondents are directed to consider and process the cases of the petitioners for promotion to the rank of Sub-Inspector strictly in accordance with their seniority and eligibility, with effect from the date their batch-mates of the 2004 batch were promoted, along with all consequential benefits under the law. However, a necessary course shall also be undertaken if required under the police rules and law. The necessary exercise shall be completed within a period of one month from the date of receipt of this order.

15. All Pending application(s), if any, also stand disposed of accordingly.

JUDGE

JUDGE