

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

C.P. No. D – 2220 of 2026
[Muhammad Javaid and others v. POS & others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	Mr. Justice Adnan-ul-Karim Memon Mr. Justice Muhammad Hasan (Akber)

Date of hearing and order:-18-05-2026

Mr. Talha Abbasi, Advocate for the Petitioners.
Syed Ali Ahmed Zaidi, AAG Sindh, along with
Ch. Muhammad Sajid Gujjar, DSP, is present in the Court.

JUDGMENT

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

- "i. Declare that the impugned order dated 11.03.2024, passed by the respondent no. 2, is absolutely illegal, without jurisdiction, mala fide, and in violation of principles of natural justice, equity, and fairness; therefore, to set aside the same, as the same has already been set aside in the case of identically placed colleagues of the petitioners;*
- ii. Declare that the petitioners were rightly reinstated, under Rule 12 of the Sindh Police (Efficiency & Discipline) Rules, 1988;*
- iii. Grant any other/further reliefs as this court may deem proper in the circumstances of the case; and*
- iv. Grant costs of the petition."*

2. The petitioners, who are subordinate police officials ranging from Constables to Sub-Inspectors, have challenged the order dated 11.03.2024 whereby the Inspector General of Police, Sindh (Respondent No.2), cancelled their reinstatement orders without affording them any opportunity of hearing. The petitioners submit that they were previously dismissed from service on different dates and, after rejection of their departmental appeals under Rule 13 of the Sindh Police (Efficiency & Discipline) Rules, 1988, were reinstated by the Additional IGP Karachi (Respondent No.3) in exercise of revisional powers under Rule 12(i) of the said Rules. According to the petitioners, these revisional orders were lawful, quasi-judicial in nature, and passed by the competent authority empowered under the Rules. It is urged that the controversy arose when the CPO Sindh issued departmental guidelines dated 24.12.2020 and 25.03.2021 stating that no second appeal is permissible under Rule 13(b). Thereafter, the IGP Sindh treated the revisions under Rule 12 as "second appeals" and, vide order dated 11.03.2024, withdrew the reinstatement orders of 144 police officials, including the petitioners, on the ground that such reinstatements were contrary to Rule

13(b). The petitioners contend that Rule 12 independently confers revisional jurisdiction upon the authority next above the appellate authority and, therefore, the impugned action renders Rule 12 redundant. They further assert that the IGP Sindh had no jurisdiction to withdraw quasi-judicial orders passed by the Additional IGP under the Rules. The petitioners further state that similarly placed police officials had earlier challenged the same order before this Court in various constitutional petitions, including C.P. No. D-1480 of 2024 and C.P. No. 1993 of 2025, wherein the impugned order dated 11.03.2024 was set aside on the ground that it had been passed without providing an opportunity of hearing. Pursuant thereto, those petitioners were reinstated, and some were even promoted. However, despite being identically placed, the present petitioners were denied the same relief, which, according to them, amounts to discrimination and violation of settled principles of law requiring equal treatment to similarly situated employees. The petitioners have therefore prayed that the impugned order dated 11.03.2024 be declared illegal, without jurisdiction, mala fide, and violative of principles of natural justice, and that their reinstatement under Rule 12 of the Sindh Police (Efficiency & Discipline) Rules, 1988 be declared lawful.

3. In response, Respondent No.2/IGP Sindh filed comments stating that the reinstatement orders were void ab initio as they were allegedly passed by entertaining “second appeals” in violation of Rule 13(b) of the Sindh Police E&D Rules, 1988. It is contended that departmental instructions issued by CPO Sindh clearly prohibited entertaining second appeals and directed that after dismissal of a departmental appeal, the proper remedy available to an aggrieved employee was to approach the Sindh Service Tribunal. The respondents, therefore, maintain that the constitutional petition is not maintainable in view of Article 212 of the Constitution, as the matter falls within the jurisdiction of the Sindh Service Tribunal.

4. Respondent No.3/Additional IGP Karachi, in his comments, stated that the cases of the petitioners had been decided in compliance with directions issued by the Inspector General of Police Sindh and that the cancellation of reinstatement orders was carried out pursuant to the IGP Sindh’s order dated 11.03.2024. Respondent No.3 further submitted that any order passed by this Court would be complied with accordingly.

5. In view of the pleadings, the comments filed by the respondents, and the earlier judgments rendered by this Court in cases arising out of the same impugned order dated 11.03.2024, this petition merits acceptance for the following legal and factual reasons:

6. The impugned order dated 11.03.2024 was admittedly passed without issuance of any show-cause notice or affording an opportunity of personal hearing

to the petitioners. The reinstatement orders granted in favour of the petitioners under Rule 12(i) of the Sindh Police (Efficiency & Discipline) Rules, 1988 had already conferred civil rights upon them, including restoration in service and consequential benefits. Such vested rights could not have been withdrawn unilaterally through an administrative fiat without observance of the mandatory principles of natural justice. It is by now a settled proposition of law that any order carrying adverse civil consequences, particularly one withdrawing a benefit already extended to a civil servant, must satisfy the requirements of due process and fair hearing. The impugned order, therefore, suffers from patent violation of the audi alteram partem rule and is liable to be struck down on this ground alone.

7. The stance adopted by the respondents that the revisional jurisdiction exercised under Rule 12 was equivalent to a “second appeal” under Rule 13(b) is legally misconceived. Rule 12 of the Sindh Police (Efficiency & Discipline) Rules, 1988, independently confers revisional powers upon the authority next above the appellate authority. Revisional jurisdiction is distinct in character, scope, and object from appellate jurisdiction. While Rule 13 regulates departmental appeals, Rule 12 separately preserves supervisory revisional powers to examine the legality, propriety, and correctness of orders passed by subordinate authorities. The interpretation advanced by the respondents would render Rule 12 redundant and nugatory, which is impermissible under settled canons of statutory interpretation. Every provision of a statute or rule must be given independent meaning and effect, and no interpretation can be adopted that defeats or obliterates an express statutory provision. Therefore, the reinstatement orders passed by the competent revisional authority under Rule 12 could not lawfully be treated as “second appeals.”

8. The record reflects that the reinstatement orders were passed by the Additional IGP Karachi in exercise of statutory powers vested under the Rules. Such orders were quasi-judicial in nature and could not have been withdrawn through an executive or administrative direction issued by the Inspector General of Police merely based on departmental guidelines. It is a settled principle that executive instructions or departmental circulars cannot override, curtail, or nullify statutory rules framed under the law. The departmental guidelines dated 24.12.2020 and 25.03.2021, relied upon by the respondents, at best had an administrative character and could not supersede Rule 12 of the Sindh Police (Efficiency & Discipline) Rules, 1988. Consequently, the impugned order dated 11.03.2024 lacks lawful authority and jurisdiction.

9. This Court has already examined the legality of the same impugned order dated 11.03.2024 in earlier constitutional petitions, including C.P. No. D-1480 of 2024 and C.P. No. 1993 of 2025, wherein the said order was set aside, and the affected officials were restored to service after holding that the withdrawal of

reinstatement without opportunity of hearing was unlawful. It is an admitted position that those petitioners were identically placed police officials whose reinstatements had also been cancelled through the same impugned order. Pursuant to the judgments of this Court, they were reinstated, and some were even promoted. The respondents have failed to distinguish the case of the present petitioners from those of the earlier petitioners in any material manner.

10. The denial of similar treatment to the present petitioners, despite parity of facts and law, amounts to hostile discrimination and offends Articles 4 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. Equality before law and equal protection of law require that similarly situated persons be treated alike unless a reasonable classification exists. Once this Court has already declared the impugned order unsustainable in respect of identically placed employees, the respondents could not selectively deny the same relief to the present petitioners.

11. The objection regarding maintainability under Article 212 of the Constitution is not sustainable in the peculiar facts of the present case. Although service matters ordinarily fall within the exclusive jurisdiction of the Service Tribunal, constitutional jurisdiction remains available where the impugned action is coram non iudice, without lawful authority, tainted by violation of natural justice, or discriminatory in nature. In the instant matter, the petitioners have specifically challenged the jurisdictional legality of the impugned order and the discriminatory denial of relief already granted by this Court to similarly placed employees. Moreover, the earlier connected petitions arising out of the same order were entertained and allowed by this Court. Therefore, the respondents cannot now raise a contrary objection in respect of identically situated petitioners.

12. For the foregoing reasons, the impugned order dated 11.03.2024, insofar as it relates to the present petitioners, is declared to be illegal, without lawful authority, and of no legal effect. Consequently, the same is set aside. The reinstatement orders earlier passed in favour of the petitioners under Rule 12(i) of the Sindh Police (Efficiency & Discipline) Rules, 1988 shall stand restored with all consequential benefits, strictly in accordance with law. The respondents are directed to give effect to this judgment within a stipulated period to be fixed by this Court.

13. Accordingly, the instant Constitutional Petition stands allowed in the above terms, along with all pending applications, if any.

JUDGE

JUDGE

