

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D – 2635 of 2026
(Noor Shahbaz Rind & others versus Province of Sindh & others)

DATE	ORDER WITH SIGNATURE OF JUDGES
	Mr. Justice Adnan-ul-Karim Memon Mr. Justice Muhammad Jaffer Raza

Date of hearing & orders: 31.8.2026
M/s. Muhammad Nasir and Muhammad Saleem Khaskheli, Advocates
for the Petitioners.
Mr. Abdul Jalil Zubedi, A.A.G. along with Sajid Gujjar, DSP (Legal).

ORDER

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 reliefs:

- i. *Declare the impugned decision/minutes of the Departmental Promotion Committee dated 31.12.2025 (Annexure "D") as illegal, arbitrary, discriminatory and without lawful authority to the extent of the Petitioners and set aside the same;*
- ii. *Direct the Respondents to promote the Petitioners to the rank of Inspector (BPS-16) forthwith with notional effect from 31.12.2025 (or from the date their batchmates/juniors were promoted) along with all consequential benefits, back benefits, arrears of pay and allowances;*
- iii. *Restrain the Respondents from holding any further DPC or making any promotion in the cadre of Inspector (BPS-16) without considering, the cases of the Petitioners on merits.*

2. The case of the petitioners is that they are serving as Sub-Inspectors (BPS-16) in the Executive/Uniformed Cadre of Sindh Police, have challenged the decision of the Departmental Promotion Committee (DPC) held on 29.12.2025 and 30.12.2025, notified on 31.12.2025, whereby their promotion to the rank of Inspector was deferred on the ground that they lacked five years’ physical service as Sub-Inspectors. The Petitioners contend that they were appointed as Assistant Sub-Inspectors in 2004 through the Sindh Public Service Commission and, after undergoing the same P/ASI training as regular Executive Cadre ASIs, have continuously performed duties as uniformed police officers. They further state that the Respondents had fixed their seniority as Sub-Inspectors with effect from 2007/08, at par with their 2004-batch counterparts, pursuant to the Supreme Court judgment dated 15.04.2024. The Petitioners further submit that the Respondents’ earlier attempt to redesignate them into a non-uniformed IT/Technical cadre was set aside by this Court in C.P. No. D-4329/2019. The said judgment was challenged before the Supreme Court in C.A. No. 928 of 2020, which, vide judgment dated 15.04.2024, held that the Petitioners and other similarly placed ASIs shall continue to serve in the Executive Branch of the Police Department and that their seniority and promotion shall be dealt with strictly in accordance with law, rules and regulations. Accordingly, the Petitioners contend that the impugned decision of the DPC, deferring their promotion solely on the alleged lack of five years’ physical

service as Sub-Inspectors, is illegal, arbitrary, discriminatory and contrary to the binding judgment of the Supreme Court, particularly when their seniority had already been fixed with effect from 2007/08. He prayed to allow this petition.

3. Today, learned A.A.G. has submitted a compliance report dated 28.08.2026, with the narration that cases of the Petitioners have been considered by DPC and declined due to physical service in the rank of SIP being less than five years and one show-cause notice is pending against some of the petitioners. He prayed to dismiss the petition.

4. At this stage Learned counsel for the Petitioners submits that pursuant to the order dated 10.08.2026, whereby the Respondents were directed to place the cases of the Petitioners before the DPC and reconsider their promotion, while restraining them from taking any final decision in respect of the Petitioners, the DPC nevertheless proceeded with its meeting on 10th and 11th August, 2026 and finalized the criteria for admission to List “F” and promotion to the rank of Inspector (BPS-16). The Petitioners' counsel contend that their cases were neither reconsidered nor kept pending in terms of the Court’s direction, and the Respondents subsequently issued the Notification dated 24.08.2026 for publication in the Sindh Police Gazette. The DPC, inter alia, prescribed eligibility criteria regarding length of service, punishments, suspension and pending enquiries, criminal/FIA/ACE/NAB cases, ACRs, service records, mandatory Upper School Course and other service-related matters. It further provided that cases with missing ACRs or service records, or certain pending proceedings, would be placed before a Review Board after 30 days.

5. We have heard the learned counsel for the parties and perused the record with their able assistance.

6. The record establishes that the petitioners were appointed through the Sindh Public Service Commission in 2004, underwent the requisite police training and have continuously served in the Executive/Uniformed Branch of Sindh Police for more than two decades. Their placement in the Executive Branch, as well as their seniority, has already been recognized pursuant to the judgment of the Hon’ble Supreme Court dated 15.04.2024 passed in Civil Appeal No.928 of 2020. Consequently, the respondents cannot, for the purpose of promotion alone, disregard the legal status of the petitioners and treat their earlier service in the Executive Branch as wholly irrelevant without recording cogent reasons founded upon the applicable statutory rules.

7. Rule 13.14(2) of the Police Rules, 1934 undoubtedly prescribes a qualifying service requirement for promotion from Sub-Inspector to Inspector and the DPC is

competent to enforce such statutory eligibility condition. However, the said provision has to be construed and applied in the factual and legal context of the petitioners' recognized cadre, service history and the binding judgment of the Hon'ble Supreme Court. The expression "physical service" cannot be applied mechanically so as to defeat the legal consequences of the petitioners' continuous service in the Executive Branch, particularly where their status and seniority in that branch have already been recognized under the law. At the same time, the petitioners cannot claim promotion as an automatic or vested right merely on the basis of length of service or seniority; they remain subject to all other lawful conditions of eligibility and suitability prescribed under the Police Rules and applicable departmental instructions being disciplinary force.

8. In principle, the DPC was, therefore, required to first determine, by a reasoned order, the legal effect of the petitioners' continuous Executive Branch service and their seniority recognized pursuant to the Supreme Court judgment, and thereafter determine whether they fulfilled the qualifying-service requirement under Rule 13.14(2). A mere recital that their "physical service" as Sub-Inspectors was less than five years, without examining the legal character of their previous service and the effect of the binding judicial determination, does not constitute adequate consideration of their cases and renders the impugned decision unsustainable to that extent.

9. Furthermore, the subsequent criteria notified by the Police Department for admission to List "F" cannot override or curtail the rights and protections available to the petitioners under the statutory rules or the binding judgment of the Supreme Court. Such criteria may validly regulate the assessment of suitability, including the effect of punishments, pending departmental proceedings, ACRs, criminal or other proceedings, service record and mandatory courses, but each such requirement must have a lawful basis, be applied uniformly, and be considered independently in the case of each petitioner. A pending show-cause notice or punishment, where legally relevant, may consequently affect an individual petitioner's suitability, but it cannot be used as a substitute for or as a reason to avoid determining the fundamental question of qualifying service in accordance with Rule 13.14(2).

10. As regards the requirement of further practical training, the same also cannot be invoked in an arbitrary manner against officers who have already rendered prolonged service in the Executive Branch and have been confirmed in service. Where the purpose of the prescribed training is primarily probationary or to provide practical experience necessary for the performance of the duties of the rank, the respondents must demonstrate the specific statutory basis and necessity for requiring the petitioners, after decades of actual police service, to undergo such

training as a condition precedent to consideration for promotion. The principle laid down by the superior courts that an employee should not suffer prejudice on account of departmental failure to provide or require prescribed training is also attracted, subject always to the requirements expressly mandated by the governing rules.

11. Accordingly, the impugned deferment of the petitioners' cases, insofar as it rests solely upon the alleged deficiency of five years' physical service as Sub-Inspectors without examining their legally recognized Executive Branch service, seniority and the effect of the judgment dated 15.04.2024, cannot be sustained. The same is set aside to that extent. The respondents/DPC are directed to reconsider the cases of the petitioners for admission to List "F" and promotion to the rank of Inspector strictly in accordance with Rule 13.14(2) of the Police Rules, 1934, the applicable service rules and the binding judgment of the Hon'ble Supreme Court dated 15.04.2024, by treating their qualifying service in accordance with law and by passing a separate, speaking and reasoned determination in respect of each petitioner.

12. Primarily, such reconsideration needs to be made with reference to the date on which the petitioners' similarly situated batch-mates were / are considered/promoted, subject to the petitioners independently fulfilling all other lawful requirements of eligibility and suitability. If, upon such reconsideration by the competent authority any petitioner is found eligible and suitable, he shall be accorded promotion with appropriate consequential benefits, including notional seniority and monetary benefits, in accordance with law. Any mandatory course or training lawfully required for the promoted post may be completed within the period prescribed by the competent authority and shall not, where the law permits otherwise, be used retrospectively to defeat an otherwise established entitlement.

13. The petition is accordingly disposed of to the above extent. The respondents shall not deny consideration to the petitioners merely on the basis of a mechanical calculation of physical service under the designation of Sub-Inspector without first determining the legal effect of their continuous Executive Branch service and the Supreme Court judgment. However, this order shall not be construed as conferring an unconditional right to promotion, as the petitioners remain subject to all other statutory eligibility and suitability requirements applicable to promotion to the rank of Inspector.

JUDGE

JUDGE

Shahzad Soomro