

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-1630 of 2024
(*Arsalan Haider versus I.G Sindh & others*)
Constitutional Petition No. D-1631 of 2024
(*Shoaib Ahmed versus I.G Sindh & others*)
Constitutional Petition No. D-1632 of 2024
(*Danish versus I.G Sindh & others*)
Constitutional Petition No. D-1633 of 2024
(*Muhammad Arsalan versus I.G Sindh & others*)

Date	Order with signature of Judge(s)
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order:- 21.10.2025

Mr. Wakeeluddin, advocate for the petitioners
Ms. Saima Imdad, Assistant Advocate General along with DSP Irshad on behalf of SSP Alfalah, DSP Tariq Hussain on behalf of DIGP RRF and DSP Raza Mian Legal-II, CPO.

ORDER

Muhammad Karim Khan Agha,J: The Petitioners seek reinstatement in service with full back benefits and recall of orders dated 21.01.2020 and 08.11.2023, as well as any other removal orders. They also request that the Sindh Service Tribunal be directed to entertain their cases under the law.

2. The case of the petitioners, Ex-PC-32250 Arsalan Haider, Shoaib Ahmed Khan, Muhammad Arsalan and Danish is that they were appointed as Police Constables on 24.07.2012 and posted at RRF Naval & Al-Falah Base, Karachi on deputation. However, they were removed from service , though no direct removal order was issued by Respondent No. 03; rather, Respondent No. 04 implemented the directions of Addl. IGP Karachi Range vide order No. T&R/CP-4560/GR-2012/42647-57 dated 23.04.2015, following this Court’s orders in C.P. No. 4569/2012 and connected petitions. It is urged that this Court in the aforesaid petition directed for the re-examination of 250 appointed and 144 failed police Constable candidates from the 2012 recruitment. Consequently, a committee constituted under DIGP South Zone, which re-evaluated the candidates, and 46 constables, including the Petitioners, were declared unqualified. Consequently, their appointments letters were withdrawn on 23.04.2015 for the following reasons:

S.No	Name	Base	D.O Appt:	D.O Appt; Order Withdrawn	Reason of Order withdrawn/Serial No. at Re-Exam Result Sheet
01	Ex-PC-3225 Arsalan Haider s/o Haider Ali	RRF Naval Base	24.07.2012	23.04.2015	Failed in written examination due to cheating in re-examination process of the year 2015/Serial

					No.03
02	Ex-PC-3297 Shoaib Ahmed Khan s/o Saeed Ahmed Khan	RRF Naval Base	24.07.2012	23.04.2015	Deficient in Physical fitness i.e. chest in the re- examination process of the year 2015/Serial No.12
03	Ex-PC-32092 Muhammad Arsalan s/o Salahuddin	RRF Naval Base	24.07.2012	23.04.2015	Deficient in Physical fitness i.e. chest in the re- examination process of the year 2015/Serial No.02
04	Ex-PC-32260 Danish s/o Fakharuddin	RRF Naval Base	24.07.2012	23.04.2015	Failed in written examination in re- examination process of the year 2015/Serial No. 01

3. At this stage, this Court inquired from learned counsel as to how it could direct the Sindh Service Tribunal to decide the dismissal of the petitioner's case a fresh, since the Supreme Court is the appellate forum against Tribunal decisions, and a remedy exists under Article 212(3) of the Constitution. The learned counsel submitted that the petitioners were appointed as Police Constables on 24.07.2012 by Respondent No. 2, duly trained, and posted to RRF Karachi vide order No. 13999-07/E VI dated 27.09.2013. They performed duties diligently for over seven years, receiving salaries up to December 2019, and were assigned security duties for important personalities. Their service record remained unblemished no complaints, show-cause notices, or disciplinary proceedings were ever initiated against them. It is argued that the petitioners were terminated verbally without inquiry, explanation, or written order, in violation of law and service rules. Despite filing applications, reminders, and departmental appeals, no written response was ever issued by the respondents. Their Service appeals were dismissed by the Sindh Service Tribunal vide Judgment dated 8.11.2023 on technical grounds instead of being decided on merits, even though respondents admitted that no written removal order existed. Counsel contended that the major punishment of removal from service was imposed without reason, inquiry, or proportional justification, rendering the action void ab initio. The verbal termination also means that no limitation period applies as per decision of the Supreme Court reported as 2016 **SCMR 189**, since no written dismissal order was ever served. He argued that the petitioners' conduct and performance were exemplary, and denial of reinstatement has caused undue hardship. Therefore, it is prayed that this Court may be pleased to order for reinstatement of the petitioners with full back benefits and recall orders dated 21.01.2020, 08.11.2023, or any other removal orders

4. The learned AAG opposed the petitions, contending that the petitioners were rightly removed from service after failing the 2015 re-

examination process due to deficiency in physical fitness or failure in the written test.

5. After hearing both sides and examining the record, it appears that the petitioners were removed from service following the re-examination process of 2015, in compliance with directions issued pursuant to the this Court's orders in C.P. No. 4569/2012 and connected petitions regarding irregularities in the 2012 police recruitment. The removal orders were consequential to that judicial process and not independent departmental actions. Since the petitioners' service was withdrawn on the basis of the re-examination results approved by the competent authority, and they have already availed the remedy before the Sindh Service Tribunal, which has decided against them, the proper course now available lies before the Supreme Court under Article 212(3) of the Constitution. The Supreme Court has held that matters relating to the terms and conditions of service fall exclusively within the jurisdiction of the Service Tribunal, and the High Court has no jurisdiction under Article 199 once such a tribunal is constituted. It was reaffirmed in another case by the Supreme court that a person aggrieved by an order of the Service Tribunal may seek leave to appeal before the Supreme Court under **Article 212(3)** of the Constitution. The Supreme Court in another case emphasized that disciplinary proceedings and termination based on re-verification or re-examination conducted under lawful authority cannot be interfered with unless mala fide or procedural illegality is established. As the petitioners have not shown any violation of mandatory legal procedure or mala fide intent in the re-examination process, as ordered by the Supreme court and this Court in earlier round of litigation and since the proper appellate remedy lies before the Supreme Court.

6. In these circumstances, this Court cannot assume jurisdiction to reappraise factual findings or direct the Service Tribunal to reopen the case. The petitions are therefore not maintainable under Article 199 of the Constitution and are liable to be dismissed accordingly, leaving the petitioners to assail the findings of the Sindh Service Tribunal if they are aggrieved against the judgment dated 08.11.2023 before the appellate Court under the Constitution.

HEAD OF CONST. BENCHES

JUDGE