

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Const. Pett. No.D-1181 of 2025

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objections.
- 2. For hearing of main case.

28.10.2025

Mr. Danish Ali Bhatti, Advocate for petitioners
Mr. Ali Raza Balouch, Additional Advocate General.
Mr. Nisar Ahmed Abro, Deputy Attorney General.

The petitioners, through the present petition, have sought directions for their appointment to the post of Police Commando (BPS-05) in the Police Department Sindh, Special Security Unit (SSU), pursuant to a recruitment process allegedly initiated by the respondents in the year 2018. However, the instant petition has been instituted in the year 2025. It is evident that the petitioners have approached this Court after an extraordinary and unexplained delay. They remained inactive for more than six years without providing any cogent explanation for such inaction.

It is a settled principle of law that delay and laches defeat equity. The Hon’ble Supreme Court of Pakistan in *Hameed Akhtar Niazi v. Secretary Establishment Division, Islamabad* (PLD 1996 SC 1185) has held that a person who sleeps over his rights and approaches the Court after considerable lapse of time cannot invoke constitutional jurisdiction. Similarly, in *Khalid Mahmood Wattoo v. Government of Punjab* (1998 SCMR 2280), it was observed that a litigant who remains silent for years is not entitled to extraordinary relief.

In *Muhammad Arif v. Federation of Pakistan* (2014 SCMR 1189), the august Supreme Court reiterated that constitutional jurisdiction being discretionary cannot be invoked where the petition suffers from unexplained delay. Likewise, in *Muhammad Akram v. Government of Pakistan* (2004 SCMR 1879), it was emphasized that stale claims should not be entertained through constitutional petitions as doing so unsettles settled matters and prejudices vested rights of others.

In *Asadullah Khan v. State Life Insurance Corporation* (2016 SCMR 1736), the Hon’ble Supreme Court further laid down that laches not only manifest negligence on part of a litigant but also operate as a bar on the

Court in extending discretionary relief, as such indulgence would encourage indiscipline in service matters and open floodgates of litigation.

Applying the aforesaid principles to the present case, it is manifest that the petitioners neither possess any vested right to appointment nor can they be permitted to agitate a recruitment process of the year 2018 after the lapse of more than six years. Their indolence disentitle them to any relief under Article 199 of the Constitution.

It is equally well-settled that mere participation in a recruitment process or even qualifying tests/interviews does not create an indefeasible right of appointment. The competent authority retains discretion, subject to rules and availability of posts. Hence, the relief sought is misconceived.

In view of the above discussion, we hold that the instant petition is hopelessly barred by laches, devoid of merit, and is ***accordingly dismissed.***

J U D G E

J U D G E

S.Nawaz(St)'